IN PRISON

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Mrs. H. H. Fout
in memory of
Bishop H. H. Fout

To my friend
Bishop H. H. Tourk
City.

Many things in this
book are <u>not</u> true, but
many are

Anything on earth
that will even help to
stab open the blinded
eyes of American people
to the Truth about our
prisons has my
approval that far.

—

Churches and preachers

ought to be the ex convicts best and most patient friends instead of (as they are) his bitterest Enemies.

I shall welcome a day when one can be heard in a Church — as an evidence of their willingness to actually show their Christlikeness. Jesus would be our friend.

Sincerely
Leslie L. Sanders
1963 Ruckle St.

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IN PRISON

SOME BORZOI BOOKS,
FALL, 1923.

SOCIOLOGY AND POLITICAL THEORY
Harry Elmer Barnes

THE WORLD STRUGGLE FOR OIL
Pierre L'Espagnol de la Tramerye

PRINCIPLES OF PUBLIC FINANCE
Hugh Dalton

THE CAPITAL LEVY EXPLAINED
Hugh Dalton

ESSAYS IN ECONOMIC THEORY
Simon Nelson Patten

THE TREND OF ECONOMICS
Various Writers

POLITICS AND PROGRESS
Ramsay Muir

WOMAN: A VINDICATION
Anthony M. Ludovici

STABILISATION
E. M. H. Lloyd

OUT OF WORK
G. D. H. Cole

IN PRISON

by KATE RICHARDS O'HARE

Sometime Federal prisoner number 21669

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MANUFACTURED IN THE UNITED STATES OF AMERICA

To the men and women who dwell behind prison walls in the cities of Sorrow, this book is dedicated. If, perchance, it aids, ever so little, in awakening the social conscience of the people of the United States to the duty we owe our weak and erring children, I shall feel well repaid for the months I spent in prison.

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IN PRISON

FOREWORD

Political prisoners have often been torch-bearers who carried the light of truth into dark places and illuminated the hidden things of the existing social order. The old slave-masters chopped off the heads of political offenders, the feudal lords boiled them in oil, kings and emperors exiled them, and the older capitalist governments of Europe sent them to prison.

But these older capitalist governments were wise in their day and generation. They recognized the fact that political prisoners were quite different from ordinary felons and treated them accordingly. In European countries political offenders were not as a rule handled by the same judicial machinery as ordinary offenders, they were not imprisoned with them, and in every way they were something apart from other convicts.

The United States is a youthful nation, callow, brash, and arrogant, as youth is prone to be, conceited in its sense of power, and boastful of the fact that it could well afford to permit the free expression of any shade of opinion. Not until we entered the World War did our ruling class feel it necessary to imprison people for holding dissenting and disturbing economic and political beliefs, or place the term "political prisoner" in our American vocabulary.

As an ex-political prisoner I feel no bitterness towards the industrial and political groups which sent me, and hundreds more like me, to prison. There was really nothing

else which they had the intelligence and the social vision to do.

A political party is elected to power in the United States on the representation that it is the most efficient protector of a social system based on the sacredness of profits. And we pioneer political prisoners insisted on telling the common people the unpleasant truths as to how, and why, war is, for the owners of industry and the bankers, the greatest profit-maker known to man.

We knew, or thought we knew, the relations of profits to war, and we insisted on telling it to every one who could be induced to give us his ear. We told what we knew, or thought we knew, in season and out, we whispered it and shouted it from the housetops, we expounded it in "highbrow" literature and gave it "punch" for the common man of the streets by couching it in lowly slang. We talked war and profits, war and profits, war and profits, until the administration was compelled in sheer self-defense to make some attempt to silence us. There were in the balance too many billions in war profits in 1917 to permit the free discussion of war and profits.

The Constitution of the United States was the first casualty of the war. Constitutions, if really democratic, always are, for democracies are poor war-makers; only a despotism can be an efficient war-making machine.

By the stroke of a pen the Postmaster-General slew the "free press," and practically the entire radical press was destroyed. But those of us who do not believe that great social problems can be solved by war could still talk, if we could not publish newspapers, and many of us did talk. The best method which the intelligence of the existing political administration could devise to silence the talkers who insisted on talking about war and profits, was to send them to prison.

Possibly because our law-makers lacked the experience and the wisdom of the older European governments, they attempted to penalize the expression of opinion in exactly the same way as the commission of other crimes. Our government also attempted to handle the crime of expression of opinion with the ordinary judicial machinery; it committed political prisoners to the same prisons, and handled them in the same way, as ordinary felons.

The results gained from placing many hundreds of political prisoners in our penitentiaries have not been quite those sought by the political administration in power, or by the industrial forces controlling the administration. No disturbing talker's opinions were changed ever so little by his being punished for expressing them, and the senselessly drastic punishments given by the courts denoted only abject panic on the part of the ruling class and gave added weight in the public mind to the penalized opinions. The facts of war-time profits as causative factors in making war were not discredited in the least, and what really happened was that the talkers had a wider and more sympathetic audience than ever before. And, as a by-effect, the searchlight of intelligent study and keen analysis has been turned into the darkest and most noisome depths of our social system—our prisons.

E. Stagg Whitin, in his introduction to *The Prison and the Prisoner*, says:

"Penology, criminology, etc., have been speculations of the wise in their own conceits. The prisoner has remained an abstraction to be babbled about, though never really known —a thing apart, disowned, investigated at arm's length for fear that the contagion might possess the investigator.

"The humanness and fallibility of the convicted and the unconvicted alike have raised up barriers between the prisoner and those who attempted to study him. His criminal char-

acteristics, his love of evil, and the outlawry of his practices have all been discussed in the third person, but it has been dangerous to admit that he is simply a man like ourselves, the difference being that a chance turn of the wheel of justice has singled out one of his acts and condemned it with the power of the law. But a new day has dawned for the prisoner. At last we look at ourselves!

"Having brought the study of the prisoner to the basis of scientific reality, having divorced from our discussion the thought of our own superiority and having sought the interpretation of the problem from the only one who can really interpret it—the prisoner himself—we can feel that our efforts will reach the heart of the problem, that our rising knowledge will help lift the whole superstructure of society."

If E. Stagg Whitin is right in his view that only the prisoner himself can interpret the very heart of the prison problem, then the political prisoner is a valuable social asset. For from 1917 to the present time some of the best brains of the country have been in prison, and their owners have worn the convict's garb and shared with the dregs of society the mystery-shrouded life of the prison cell. These men and women carried into the steel-barred cells and dungeons of our prisons the light of intelligent study, scientific research, and a fundamental knowledge of social forces.

The political prisoners went to prison because they were more intelligent, far-seeing, and courageous, more loyal to their convictions and more resourceful in presenting them, than the average citizen. They went to prison without shame, they shared the life of the felon without stigma, and, for the most part, they came back to normal life unbroken by their prison life. The fact that they have been in prison does not place social disabilities on them, it does not make it difficult for them to earn a living when released, and it does not give police authorities the

power to hound them until only lives of crime are possible, as is true of the ordinary convict.

When the political prisoners went to prison they took with them education, culture, scientific knowledge of human psychology, a clear understanding of the economic forces that so largely shape human life, and a saving sense of humour. So, for the first time in the history of our country, our penal system has been studied by convicts enduring it who had intellectual background, sympathetic understanding, scientific training, and actual experience on which to base conclusions.

The great majority of the political prisoners were trained writers and speakers whose powers of observation and analysis, clear thinking, and forceful expression were the very things that placed them behind prison bars. And the power of expression is enhanced wonderfully by the experiences of prison life. We political prisoners gained a new sense of values while in prison, for we lived so close to the stark, naked realities of life that our very souls were stripped bare. We found trivial many things which we had thought of great importance, and vitally important many things which we had considered of little moment, and we learned that there are only a few big, fundamental, eternal things for which it is worth while to strive.

It was true to the age-old stupidity of ruling classes that the very people should have been sent to prison who were best fitted to investigate, criticise, and analyze the prison system of the United States, which is after all the epitome of our economic and social development. And there is much to study, much to criticise, much to weigh; there is a broad field for scientific research in our prison system, and the sort of folk who became political prisoners have an insatiable appetite for that kind of work. The

type of men and women who went to prison for the expression of opinion, for stubbornly clinging to their economic and political beliefs, were particularly well fitted, not only to study the prison system, but also to do the educational work necessary to arouse public opinion to the necessity of reconstructing our methods of penal administration. They have a natural aptitude for propaganda, the skill and training in publicity that come from long practice, and in their prison experiences they have found inspiration for this much-needed social service.

The political prisoners, in common with all sincere students, found that prisons are the cesspools of our social system and that into them drain the most helpless, hopeless products of our body-, brain-, and soul-destroying struggle for existence. When one views the cesspool from the top and the outside, only the criminality of the criminal is apparent; but when one views it from the bottom and the inside, the economic, social, and psychological causative factors in the production of the criminal appear.

We who lived in prison, having the power of analysis, know that our prison system is the true reflection of our national life, our national ethics, our national morals, and our national sense of justice, and that no citizen can draw aside and declare himself guiltless of the stupidities, cruelties, and barbarities of our judicial and penal systems.

We know that, buried deep down in the subconscious minds of us all, is the old instinct to fear and hate, to wish to destroy what is unpleasing, what makes us ashamed. And our prison population is terribly unpleasing, ugly, and shame-producing. Despite our deliberate blindness and ostrich-like proclivities for hiding our heads in the sands of ignorance, they do make us uncomfortable and ashamed, for they force us to face disgraceful facts and attempt to answer unanswerable questions. There

is so much of challenge in that tragic, ever-changing stream of wrecked lives—lives that are marred and scarred and distorted; lives that were marred in the making; lives that should never have been; lives stunted and dwarfed by poverty; lives scorched by the vices common in the desolated existence of the barren isolated farms and the congested, fetid air of the city slum. There are menace and condemnation, shame and danger, in them for smug respectability. How natural that respectability should hide them away behind prison walls and forget them as quickly and as completely as possible!

There is no doubt that it was a very good thing for our country that a large group of well-educated, intelligent, socially-minded people should have gone to prison. It forced those of us who went, to know what prisons are like, the effect they have on human life, that, knowing, we might be moved to act. If I were ruler of the Universe I would see to it that many more respectable folk went to prison, for the good of their souls and the welfare of the country. Especially would I see to it that no judge ever sat on a criminal bench until he had served at least one year in prison.

As the madness of war hysteria recedes and comparative sanity returns, the people of the United States are beginning to realize that the political prisoners have a definite contribution to make to society. It is inevitable, when we realize that hundreds of the finest types of citizenship have been, and still are, committed to excessively long prison terms, that we should begin to study the workings of our punitive system. We are beginning to realize that our prisons contain two extreme types of human being: the men and women marred in the making, they who shame us by their sordid ugliness; and the men and women who rise superior to the common mass and, by their in-

telligence and idealism, their love and willingness to serve, shame us for the pettiness and the barrenness of our own lives. One group shames us by their sordidness, the other by the unselfishness of their social service. So we hide both in prison. Flossie Smith and Mollie Steimer—Red Furgeson and Gene Debs. Flossie who sold her body for the profit of a politician cadet—Mollie Steimer who demanded that all women should own and control their own bodies. Red Furgeson who killed illegally, and Gene Debs who protested against legalized murder. Saviour and slayer, prophetess and prostitute, they are flesh of our flesh, soul of our soul, and for all of their nobility and depravity we are responsible.

When I stood before Judge Martin J. Wade in the U. S. District Court at Bismarck, North Dakota, awaiting sentence I said to that court:

"It may be true that God moves in a mysterious way his wonders to perform. It may be that down in that dank, noisome, loathsome hell we call a prison, there may be bigger work for me to do than I have found in the past. It may be that there I will find opportunities I have sought always, opportunities to take light into dark places, to minister to sick souls, to lift up degraded humanity. And God knows that in prison, more than any other place on earth, there is need for that kind of service. If it were necessary that Jesus should come down among men that he might save them, it may be necessary for me to become a convict among criminals to serve them. If this be true I will face prison; I will face the things that go with prison life, as serenely as I have faced court and judge and jury."

I spent fourteen months in prison, and I know it was a necessary and valuable part of my education. I know that only by this actual experience could I gain the knowledge I required in order to make an intelligent study

of human delinquency and of rational methods of dealing with it. I am quite convinced that every hour I spent in prison was well worth while, for in no other way could I have secured the facts I need; and I hope that by those long weary months my sympathies were broadened and my understanding made deeper, that I might be fitted for a wider field of social service.

Behind prison walls I had experiences that come to but few persons who have the ability to evaluate their educational worth. With the clang of the prison gates behind me I was thrown back two thousand years to the position of a female hostage of the Imperial Roman Empire, sold into slavery because she had dared to challenge the power of Rome. Day by day, week by week, month by month I re-lived all that long and bitter way that women have trod since the day when Jesus said, "Let him who is without sin . . . cast the first stone." In the months I spent in prison were compressed all that womanhood has endured from the slave marts of Rome to the deadly grind of the ultra-modern sweat-shop. The experience does not come to many to live the physical life of a chattel slave, in the mental atmosphere of the Dark Ages, with the spiritual background of the Inquisition, the while performing the labours of a modern factory. Only in our prisons do there exist the slave, the feudal, and the capitalist systems at their worst, and all in full force. Only in prisons are the crudities, stupidities, barbarities, and brutalities of slavery, feudalism, and capitalism concentrated into the narrow confines of four walls where one may see and feel and suffer them all to the *n*th degree. Such an experience is well worth the price.

KATE RICHARDS O'HARE

Leesville, Louisiana, September 1, 1923

I

WHAT IS CRIME?

It is essential in attempting to study any great human problem that we should have as definite as possible an understanding of the terms used. Much of the hate and prejudice, intolerance and bitterness, that mar the lives of men are caused by quite honest misunderstanding of what are the exact meanings of words used. One may use such words as Christian, Free-thinker, Conservative, Radical, Republican, Democrat, democracy, freedom, morality, and righteousness, and these very common words may have different meanings for the user and the hearer. And because of these quite honest misunderstandings men quarrel and hate, make war and kill, not over fundamentals, but misconceptions.

The average person is extremely hazy as to the exact meaning of the word "crime," and unfortunately jurists, executives, legislators, and educators are quite as hazy concerning the meaning of the word as ordinary folk. William M. Ivins, in an address to the Academy of Political Science, held in New York in 1911, said:

"We start with the fundamental fact that crime is the point of conflict between the individual and society. The war is perennial and grows more intense with the complexity of social relations and human nature. The test of the efficiency of any form of government is in its capacity to deal with crime.—And yet we have no more definite definition of crime than that of Wharton, viz., 'Crime is an act made punishable by law,' which is no definition at all."

It is easy to understand the befogged condition of the lay mind as to the meaning of the word crime, when we realize that specialists are so much at sea. Most persons simply generalize and say that crime is an act producing a bad, sinful, unethical, or anti-social effect. But this generalization is as helpful as Wharton's definition of crime. Perhaps there is nothing more puzzling to the ordinary person who is honestly trying to study crime and criminals than the fact that crime is presumed to mean anti-social acts, acts which are injurious to mankind, when we know that there are acts punished by law as crimes which are not anti-social, and also that there are acts which are anti-social, acts which seriously injure humanity, which are not punished as crimes. We know too that an act may have been a crime at one period of our national history, then become not a crime, and later become a crime once more.

For example: When George Washington, Thomas Jefferson, Patrick Henry, and other old revolutionary forefathers called the convention that issued the Declaration of Independence, they became by that act criminals. They were guilty of treason against the regularly established government of Great Britian. When they resorted to force to sustain their treason they became outlaws with a price upon their heads. They were rebels and revolutionists revolting against the forces of law and order, and had they fallen into the hands of the regularly established forces of government, they would have been stood up against a stone wall and shot as men guilty of the worst of crimes. The government of their day condemned them as criminals, the church branded them as heretics, and the loyal citizens of the colonies held them to be dangerous revolutionists. But those old criminals of that day won their point by force of arms; they be-

came victorious through the violent overthrow of the government. And after they had overthrown by violence the existing government, they proceeded to set up a government of their own, and they guaranteed to themselves and their posterity all of the things which the government of Great Britain deemed criminal: freedom of speech, freedom of religious conviction, free press, freedom of assemblage. For more than a century these things were held to be the "blood-bought, sacred rights of the American people." It was inconceivable to the average American mind that one could commit a crime by expressing an opinion in decent, decorous language, either in speech or print. We simply could not grasp the idea that a law could make it a crime to read the Declaration of Independence or the Sermon on the Mount in public, or to print those portions of the Constitution which relate to freedom of religious conviction or free speech. We could not imagine any law being enacted in the United States that would make it a crime to recite or print and circulate any one or all of the Ten Commandments, or to quote in the hearing of our fellow men the commands of Jesus.

Most Americans laboured under the delusion that laws are fixed; they did not know that the interpretation and application of laws shift and change with every shift of social evolution, and that war, which is a reversion to savagery, has a tendency to nullify the laws that govern society. This is as true of ethical laws as of legislative enactments. If Isaiah and Jesus had come back to earth and lived in the United States in 1917, they probably would have been convicted of treason and found their way into the Federal prison at Atlanta, with the International Bible Students, or into a C. O. Camp with the conscientious objectors. If George Washington and Thomas

Jefferson had come back in the flesh and expressed the opinions which they held while here, it is altogether reasonable to presume that they would have been with Eugene V. Debs in prison, as many descendants of our revolutionary fathers were. If Betsy Ross and Molly Pitcher had been born again some forty years ago, they would no doubt have served with me in the Jefferson City, Missouri, state penitentiary.

We therefore face the puzzling condition of knowing that loyalty to the tenets of the Christian faith and to the fundamental laws of the United States is certainly not an anti-social act, that it is nevertheless a crime to be punished with inhuman severity, and was so punished with the sanction of the church and without protest from those sworn to uphold the Constitution.

Of course the time may come again, no doubt in the near future, when the Declaration of Independence, the Constitution of the United States, the Ten Commandments, and the Sermon on the Mount will no longer be criminal, and our citizens may repeat them without danger of being thrown into prison. It seems very doubtful if any fairly sane citizen will hold that they are now, or were in the heat of war hysteria, anti-social.

Not only are we confused between what is criminal and not anti-social, but we are bewildered trying to fathom the mysteries of what is anti-social and yet not criminal. I think that possibly most people will agree that there can be nothing more anti-social than the wanton destruction of food in great quantities while thousands of human beings, in our own country, are suffering from hunger.

Fresh fruits and vegetables contain the vitamines absolutely essential to normal human growth, development, and useful life. In Florida and California thousands of

bushels of these vitally necessary foods decay in the orchards and fields, poisoning the air with disgusting and dangerous stenches, while all over the country in city, village, and farm there are millions of growing children robbed of the vital elements of nutrition, and the physical well-being of our nation is being seriously attacked. Certainly no one will affirm that the act of robbing the children of the nation of necessary food and permitting that food to rot unused is not an anti-social act. Yet our laws do not declare such acts criminal, and they provide no penalties for the railroad owners and food speculators who deliberately bring about these conditions to add to their profits. Our law-makers have never found it worth while to enact laws to curb the greed of the men who make it impossible for fruit and truck raisers to market their foodstuffs, and impossible for the people of the country to give their children sturdy physical development.

In attempting any comprehensive study of crime and criminals we are still more bewildered by the fact that anti-social acts which in some instances are punished with frightful penalties are in other instances considered righteous, or at least go unrebuked.

A law making it a crime to burn property with the intention to injure or defraud is upon the statute books of every state in the United States. It seems that there can be no question that it is ethically wrong wantonly to destroy property which is useful to mankind; so that legal punishment seems logical and justified. But in the application of this general principle strange things happen. One of the most tragic women with whom I served in Jefferson City was Hattie S., who was finishing a seven-year sentence, having been convicted of the crime of arson. She was charged with having guilty knowl-

edge of her lover's crime of burning an old livery stable to collect the $300 insurance on it. The barn was practically worthless; Hattie and her lover needed the money to enable them to marry and set up a home; the barn burned down one night; and Hattie and her lover both went to prison for seven years. Hattie entered a blooming, beautiful young mountain girl, and she left the prison a broken woman, a physical, mental, and moral wreck, fit only for a grave in the potter's field, which she filled less than six months after her release. The law in this instance recognized and punished the crime of arson by a penalty amounting to a death sentence. We might therefore conclude that it is a settled and established fact that burning property with the intention to injure or defraud is a crime and that any one committing that act is a criminal.

But before we travel far with that conclusion we find that such is not the case. In the autumn of 1917, while in Washington, D. C., I was invited by a friend to visit the army training camp near that city. When we neared the camp, driving in on an unfrequented wood road that approached it from the rear, we saw a great fire that looked like a long row of frame buildings burning. Naturally I thought that a part of the cantonment was on fire, but my friend informed me that this fire, possibly half a mile long, had been burning for months. We drove nearer and observed that huge trucks were hauling new and perfectly good lumber, most of it the finest and most expensive building material, and dumping it on the fire.

This was at a time when Washington was a bedlam of graft and greed and unsanitary discomfort because of the appalling lack of housing for the great influx of war workers. And just outside Washington, in sight of the dome of the nation's capitol, hundreds of thousands

of board feet of splendid lumber were being burned. No one seemed to know why the lumber was being burned, and it was not until March, 1921, when I chanced to read a copy of *Leslie's Magazine*, that I found an explanation of this wanton waste. The story is too long to repeat here, but if possible go to your public library, find *Leslie's Magazine* beginning with the first of March, 1921, and read a series of articles called "America's Spree." It explains how the Advisory Commission of the Council of Defense, made up of "dollar-a-year" men, became the real government of the United States. *Leslie's Magazine* says, and it has not been denied, that the contracts for building army cantonments were arbitrarily awarded by a man by the name of Starrett, and that Mr. Starrett, like the good brother that he is, awarded most of the contracts to his brother's firm, the Thompson-Starrett Co., of New York City. *Leslie's Magazine* insists that more than $78,000,000 worth of prime lumber was burned by this firm in the process of building certain army cantonments and war industry cities. *Leslie's Magazine* declares that all these contracts were awarded on the "cost-plus" system, which means that the contractor was paid by the government for all material and labour at "cost-plus" prices, the "plus" being all the way from ten to sixteen per cent profit. *Leslie's Magazine* says that millions of board feet of prime lumber came into the army cantonments, was charged to the government, and was then hauled out and burned by the carload in order to enable the contractors to collect the "plus" profit of from ten to sixteen per cent on lumber that they could not use because they had ordered material far beyond their legitimate needs. Quite recently, during December, 1922, suits were filed by the attorney-general of the United States to force this contracting firm to dis-

gorge some of the "plus" profits, but no criminal action is contemplated. The law provides drastic, inhuman punishment for Hattie, the poor illiterate mountain girl charged with guilty knowledge of the burning of a worthless old shack, but the law does not recognize or apply punishment for the crimes of rich and powerful politicians who burn millions of dollars' worth of government property that they may collect "cost-plus" profits.

Another striking example of the difficulty of locating the "point of conflict between the individual and society" was Mamie. According to Mamie's version, she was a "hasher" in a "beanery" in St. Louis. Another "hasher" tried to "cop" her "steady," so Mamie used a steak knife to "carve her map and spoil her mug,"—all of which means that Mamie was a waitress in a cheap restaurant, another waitress attempted to captivate her sweetheart, so Mamie slashed her face with a steak knife. And Mamie served five years in prison for inflicting a slight flesh wound on another woman.

Across the street from the restaurant where Mamie worked is the Fulton Bag Company, engaged in the manufacture of flour bags. This company uses huge presses for printing the labels on the bags. Some of these presses were extremely dangerous machines to operate, and the state legislature of Missouri enacted laws making the use of these dangerous presses a violation of the law. The Fulton Bag Company management had been cited to appear in court several times to answer for this violation of law, but they still continued to use the presses. One day one of these outlawed presses cut off both of Marie Montemann's arms at the shoulder, making her a helpless cripple for life. Marie was a poor girl; all she had between herself and penury and prostitution was

her arms—and an outlawed machine took them. But neither the owner nor the manager of the Fulton Bag Company, who had deliberately forced Marie Montemann to use dangerous and outlawed machinery, ever served time in prison, and no one ever suggested indicting them for this crime or classing them with criminals.

Another tragic example was Laura. She was a poor, illiterate, love-starved "old maid," the product of ordinary small-town conditions. Life had denied Laura culture or comeliness or charm, and naturally love, wifehood, and motherhood. Her life had been that of a "hired girl" working in other people's kitchens—the most barren and dreary lot a woman can endure. The consuming hunger for love and life must have been stronger than Laura's small-town concept of morality, for one day she gave birth to an illegitimate child. She insisted that her employer was its father. Naturally the father did not want the child; the state made no provision for it, society rejected it, and the smug, self-righteous citizens of her village branded it as a thing unclean—a child of sin. Every door was closed against Laura and her waif, so she crept away to an old cabin down by the swamp, and there the unwanted baby died. Laura was charged with having permitted it to die for want of food. She was arrested, convicted, and sentenced to five years in prison. She served her time, and is now slowly dying in a tuberculosis hospital supported by charity. There is possibly little doubt of her technical guilt; she did not really deny that she took back the life she gave—the life that society rejected and branded with shame. And there is no doubt that the destruction of the life of a helpless baby is a crime. But that does not clear up the fog. In St. Louis, while Laura

was serving her sentence for having permitted her baby to die for want of food, five great dairy companies combined into a monopoly and arbitrarily raised the price of milk from nine cents to eighteen cents a quart. This was a price which the prevailing wage of common labourers could not pay, and thousands of working-class mothers could not buy sufficient milk to feed their children. Hundreds of babies died for lack of that milk, but no rich milk monopolist was ever indicted for killing those babies. No one even intimated that they were criminals, and certainly none ever served a prison sentence for starving babies to add to their profits.

The administration of the Espionage Act also illustrates the difficulty of finding the point where crime begins. It was presumed to have been enacted to apprehend German spies who were endangering the United States government in the prosecution of the war. But so far as court records disclose, few, if any, real German spies were ever apprehended, tried, or sentenced to prison under its provisions. Only labour organizers, many from long lines of American ancestry, who held economic and political beliefs at variance with the beliefs of the two dominant political parties and the industrial forces that control both, were caught in the net of the Espionage Act. Practically all the victims of this bit of legislation were farmers, wage earners and editors who advocated working-class political action. When they were brought into court charged with violations of the Espionage Act they were, almost without exception, instantly convicted and sentenced to long prison terms, regardless of the law or the facts in the cases. Major Sidney Lanier of the U. S. Army, appointed by the government to summarize the evidence in the I. W. W. trial at Chicago, stated that this was true of that case, and it was true of most other

prosecutions under the Espionage Act. Major Lanier further declared, after a careful examination of the court records of the case, that the convictions took place "in a wave of hysteria, at a time when measured judgments could not be expected," and that if the people of the United States knew the facts "they would demand in the name of fair play that every one of these men be released." When actual German agents or rich business men of German extraction and sympathies were haled before the courts charged with violation of the Espionage Act, they were either released without trial or convicted and released on payment of a fine. So far as there is any record no man or woman of wealth ever served a sentence under this law—only the members of the working class who had visions and ideals of bettering the economic conditions of the masses.

The Espionage Act was so loosely worded, so readily lent itself to broad interpretations, that no human being, unless he were deaf, dumb, blind, and an idiot, could or did live through the war without incurring the danger of violating the law. It gave a new angle to the question of what is crime and put a new phrase in our vocabulary of criminology—the political prisoner. And, while this law is a particularly glaring example of loose law-making, it is not the only one; there are many, many more.

It is not strange that common folk should be so befogged as to the real meaning of the word "crime," when we realize that there are a Federal law-making body and forty-nine state law-making bodies, all frantically trying to save the world by legislation. All of them are busy grinding out laws, making this or that act, opinion, or intention a crime, and with no general agreement among them as to the basic qualities of crime.

The average man has an indefinite idea that sins and

vices and immoralities are crimes, but this is far from being true. Some sins and vices and acts of immorality are crimes in some places but not in others, and some seriously anti-social immoralities are not crimes anywhere.

Our law-making bodies, frequently chosen by the most corrupt sort of political machines, take it upon themselves to class as crimes acts which in themselves are neither sinful, vicious, nor immoral. Under our system of law-making it becomes criminal for a man to say or do or think whatsoever the majority of the law-makers, no matter how chosen or by what interests governed, may decide is criminal. This fact is responsible for the condition which now exists, in which men of the highest moral character, the cleanest ethical concepts, and the greatest social integrity are branded as criminals and savagely punished for mere expression of opinion or loyalty to conscience, or mere membership in a labour union or a political party.

Surely, if men are to be held responsible to the law, they have the right to know exactly the point where they will come into conflict with the will of society. But how can a human being know where the point of conflict lies when an act is a crime in Kansas and not in Missouri? Many acts punishable by law in certain states are entirely legitimate in others; and since no human being can possibly know all the laws of all the states, how is he to know whether he is committing a crime or not?

A man may indulge in irregular sex relations in St. Louis, Missouri, with considerable freedom and comparative safety, but if he crosses the Mississippi River on the Eads bridge with a woman with whom he has been indulging in unconventional sex relations, and if he pays the five-cent bridge toll for the woman, he has violated the Mann Act, a federal law, and may be punished by a long

penitentiary sentence. The question naturally arises, is it the river or the five-cent toll that makes the act a crime?

The city of Texarkana is half in Texas and half in Arkansas. The state line is in the center of the principal street, and it is marked by a line of white bricks in the pavement. Texas laws are rather lenient towards sexual immoralities, and the women of the streets ply their trade on the Texas side in safety and freedom as a rule. If a prostitute takes her customer east across the line of white bricks he becomes guilty of a crime against the state of Arkansas. If, however, he pays transportation charges he becomes guilty of another and far more serious offense against the People of the United States. For many years, so the story goes, corrupt officials have fattened by blackmailing unsuspecting men who could be induced to hire a taxicab or hack to transport a courtesan confederate across the line of bricks.

In our blind faith in salvation by legislation we continually pile new laws on our statute books—some one has said, at the rate of fifty thousand a year. But whether it is fifty or five thousand, these laws are for the most part enacted by men so crassly ignorant of the whole science of human evolution, so lacking in knowledge of human psychology, as to make it impossible for them to frame laws regulating human behaviour with any degree of wisdom. The result is that many of our laws are so contrary to human nature as to be unenforceable, and they are so conflicting that no person can know which of his acts are crimes and which are within the law.

William M. Ivins, in the address before the Academy of Science previously quoted, says:

"I believe that it will ultimately be found that if our present constitutional system finally fails, its most disastrous

break will be due to the fact that through legislation that which is criminal in one part of the country is not criminal in another; that which is criminal on the right bank of the river is not criminal on the left; that which is punishable somewhere is punishable nowhere else, and that which ought to be punishable everywhere, may, after all, be punishable nowhere.

"The ordinary definitions of crime are perfectly futile. . . . For want of a better answer, in fact an answer at all, to our question [What is crime?], our laws become mockery, our penal institutions an impossibility, our jails bursting with the results of the criminality of our criminal laws, our police problem insoluble and the community itself the victim of the contagion of ignorance which has removed the distinction between criminality and the condemnation, I will not say of society, but of the crowd."

When we face the impossibility of really determining what crime is, we usually take refuge in the generalization that crime is a violation of law. This is not particularly helpful, for if crime is a violation of law, then what is law?

An old proverb, so old that its origin is lost in antiquity, says: "Law is a net that lets the big criminals slip through to immunity and freedom, and holds the small criminals for punishment." This definition is no doubt largely true, but it is not sufficient. The dictionary helps us but little; it says: "Law is a rule of action established by authority or custom, or an enactment of a legislative body, or a moral code given by Moses and the later lawgivers." This is certainly an ambitious definition, but not particularly helpful; it covers everything and touches nothing.

So far as I have been able to determine, when we attempt to give a definition of law or to determine what a

certain law actually means, we find the human language unequal to the task. We may feel quite sure that we know what law is, or what a certain law means, until we go into court to apply a certain law to a certain set of facts. Then we find ourselves all at sea. When we test our knowledge of law and the application of certain laws to given cases, we find, often through bitter experience and at tremendous cost, what the ablest lawyers have spent their lives learning—that no one knows what law is, and that it is not given human beings to know what a given law means at all times and under all conditions.

To determine the exact meaning of a law in a certain case the litigants go to court. Here testimony is produced, lawyers argue and cite precedents, the judge instructs the jury as to his interpretation of the law as applicable to the facts in the case, and the jury takes a vote on the issues in the case. But neither the instructions of the trial judge nor the verdict of the trial jury determine what the law is. For usually the losing litigant carries the case to the Court of Appeals, where it is reviewed by the judges of that court. Here there are more arguments by lawyers, more citing of precedents, and these highly trained specialists in law render a decision. But this decision does not determine what the law really means, for the losing litigant may carry the case to the Supreme Court. Here once again the lawyers argue and quote precedents; then the Supreme Court justices argue the point of law involved and take a vote on what the law really means. In a large number of the cases carried to the Supreme Court, the judges disagree. So, when a vote is taken, instead of being a clear-cut, unanimous, definite decision on which ordinary folk might depend, it is very often a divided opinion rendered operative by a bare majority vote.

Now and again Supreme Court judges die, the president appoints others to take their places, and the new appointees may hold exactly opposite opinions on this particular law. The law in question then comes before the Supreme Court in a different case, and the Supreme Court then changes its decision and declares that the law means exactly the opposite of the previous decision. This is the history of the Dred Scott decision and of the legal tender decisions, and will no doubt be the history of the Espionage Act.

If the nine members of the Supreme Court, the very highest authority on law, can not decide definitely what a given law means, how may common people hope to do so?

We are forced to conclude that no one, not even a Supreme Court judge, really knows what the law is. But we do know by sad experience that laws are very like chameleons that change their colour and shading according to the thing they are sitting on. Hence the wobbling of the scales of Justice when trying to strike a balance between rich and poor.

II

RICH AND POOR BEFORE THE LAW

So far as I have been able to determine there is no definite, comprehensive, adequate definition of crime, criminal, or law; nor is there any exact determination of when, where, or how one may be committing a crime, or just what is necessary to make an individual a criminal. We do, however, divide people into criminals and law-abiding citizens, and we send those whom we call criminals to prison, presumably for the benefit and comfort of the law-abiding folk and for the reformation of the criminal.

It would seem that the only logical way to determine what sort of people are really criminals, and what their criminality consists in, would be to go to prison, study the people there, and analyze the course of action that brought them to the prison cell.

Perhaps certain wise statesmen in the United States decided that the time had come to send capable people to prison to study crime and criminals in the only place where they can be intelligently studied. I must admit that I had no particular ambition to be chosen for this work—but some are born useful, some achieve usefulness, and some have it thrust upon them. I found the task of making a study of crime and criminals thrust upon me. It was not a pleasant school; I have enjoyed other portions of my life far more than the months spent in the

Missouri State Penitentiary. But it was an extremely valuable experience. To study a great social problem under the best possible conditions was an opportunity that comes but rarely; and I have no sense of resentment or bitterness for the men who thrust the task upon me.

Though I was never able to determine just what sort of acts are always crimes, or what particular characteristics are invariably evidences of criminality, I did discover many illuminating and interesting things. I found that prisoners are roughly divided into four groups, that is, the prisoners with whom I served were so divided, and I think the rule will hold good in most prisons. Some had been convicted of crimes against property; some, of crimes against the person; some had taken human life; and some had expressed opinions held to be in violation of the Espionage Act. These latter, whom we called political prisoners, were a very small group; they were not a part of the ordinary prison population; and they will no doubt disappear as war hysteria recedes and sanity returns. So it is really not necessary to discuss them at any length.

Between eighty and ninety per cent of the women prisoners, excluding the politicals, had committed minor offenses against property, and the others were about evenly divided between crimes against the person and homicide.

They were almost without exception poorly educated, but very few having reached the sixth grade in school, and many were entirely illiterate. A large percentage were feeble-minded, a smaller percentage were borderline cases between normality and subnormality, and practically all who were not dements were psychopaths. Excluding the war-time prisoners, they were all very poor; all from the most poverty-pinched sections of the working class,

and about evenly divided between women from city slums and women from tenant farms and small towns. The net of criminal law that gathered in the women convicts at Jefferson City had evidently held only the small fry and permitted the large fish to escape. Unfortunately for a really comprehensive study of crime and criminals, my prison experience did not give me the added advantages of association with "malefactors of great wealth." There were none of them in our prison; so I was compelled to confine my studies to that small section of our criminal class which actually gets inside prisons—the poor and humble.

And this fact is not necessarily a criticism of law and courts; it is merely a statement of facts for which there are perfectly logical reasons. I am not alone in my belief that the rich and the poor do not stand equal before the law, and that the scales of justice are, as a rule, not fairly balanced in the application of the law. Some of the most eminent and respectable men of the legal profession made this discovery and discussed it publicly while I was blissfully ambling along through life, content in my belief that justice in our courts was a foregone conclusion.

In 1906 Dean Roscoe Pound of the Harvard School of Law delivered an address to the American Bar Association on "The Cause of Popular Dissatisfaction with the Administration of Justice," in which he said:

"If there is a sad anomaly that should stand out in our present days of conscientious self-searching, it is the harsh fact, that with all our prating of justice, we deliberately withhold it from thousands too poor to pay for it.

"[One of] the sources from which industrial unrest springs is the denial of justice in the creation, in the adjudication and in the administration of law.

"The equal administration of laws is a right guaranteed by the fundamental law of the land; and yet no person will deny that this privilege is more honoured in the breach than in the observance; for there are many people in every community, who through ignorance of their rights or the inability to pay the imposts levied by the state as a condition precedent to the pursuit of justice in the courts, are constantly being denied that equal administration of the laws and justice that is supposed, logically, to follow."

Ex-President Taft, now Chief Justice of the Supreme Court, who certainly can not be suspected of being either radical or revolutionary, in an address to the Virginia Bar Association said:

"Of all the questions before the American people, I regard no one as more important than the improvement of the administration of justice. We must make it so the poor man will as nearly as possible have an equal opportunity in litigating as a rich man, and under present conditions, ashamed as we may be of it, this is not a fact."

Again Dean Roscoe Pound, in *The New Republic* of Feb. 22, 1922, gave a perfectly logical reason why the legal profession, as a rule, does not concern itself with justice. He said:

"The office of a leader of the bar is the head of a huge business organization. His function is to advise, to organize, to reorganize, and direct business enterprises, to point out dangers and mark a safe channel and chart reefs for the business adventurer, and in our older communities to act, as one might say, as steward for absentee owners of industry. The actual administration of justice in our courts interests him only as it discloses reefs or bars or currents to be avoided by the pilot of business men. Thus the leaders of the bar in the cities are coming to be divorced not only from the adminis-

tration of criminal justice, but from the whole work of the courts, and the most effective check upon judicial administration is ceasing to be operative."

One may entertain reasonable doubts, I think, about how effective a check corporation lawyers might prove to judicial injustice, but there is no denying that during the last two decades the higher type of lawyers have specialized on civil, mostly corporation, practice, and the more unscrupulous almost monopolize practice in the criminal courts. We are prone to think, I know, that the old days were good days and that this generation is headed straight for perdition, but I think no one will deny that to-day there are very few lawyers of really high type engaged in criminal practice. Those few are old, and unfortunately few young men of equal attainments and character seem to be developing to take their places.

Gilbert Roe in his *Our Judicial Oligarchy* says:

"Wealth has certain legitimate advantages in litigation which can not be overcome. So long as the rich litigant can employ better counsel, prepare his case better, and endure more easily the 'law's delays' he will always have a great advantage over his poorer opponent. . . . It would seem that judges mindful of this inherent inequality, would have sought by their rulings not to increase, even if they did not lessen, the already great advantage of the more powerful party. This appears not to have been the case; the complaint against the courts at this point is more fundamental than any manner of procedure, or expense, or delay. The charge against the courts is that the judges habitually think in the terms of the rich and powerful. The training, sympathies, experiences and general view of life of most of the judges has made this inevitable. The process of thinking, always on the side of vested interests, of the established order, and of the powerful individuals and corporations, continued through a

century, has built up a system of law barbarous in its inequalities and injustice."

During a hearing of the case of Schwartz & Jaffe vs. the Amalgamated Garment Workers, recently tried in New York, Justice Vansiclin, the presiding justice, made a very frank statement of the natural bias of the judge. He said:

"They [the courts] must stand at all times as the representatives of capital, of captains of industry, devoted to the principle of individual initiative, protect property from violence and destruction, strongly opposed to the nationalization of industry."

This perfectly frank statement from a perfectly honest and sincere judge states the whole case very neatly, and explains why there were no captains of industry and none of their women folk in our prison, and why I missed the advantages of making a study of "malefactors of great wealth." Certainly not because there are no rich criminals—they are plentiful—but because the courts "must at all times stand as the representatives of capital, of captains of industry." It is quite logical that no "representatives of captains of industry" could be expected to send the very people they "represent" to so unpleasant a place as a prison. It would also seem that if the poor, the producers, of this country had just a little "representation" on the bench, it might possibly throw considerable light on the vexing problems of crime and criminals.

To be fair and escape useless bitterness, we must all realize that judges and lawyers are drawn almost entirely from the upper class, the property-owning portion of our population. The very few who come from the lower or working class have lived through such bitter experiences

climbing out of their class that they never lose the haunting fear of being hurled back into it. The corroding fears of the men from the lower classes, and the birth, education, and training, as well as economic interests, of the men from the upper classes, inevitably make the bench the property of the owning class. Naturally their psychology is that of the "haves," and it is logical that their administration of the law should reflect their fear and dislike of the "have-nots."

It is quite understandable that when a poor, ill-dressed, uncouth, ignorant person is brought before the court charged with a minor offense against property or person, those who administer the law will administer it from their own psychological bias. The human misfit is a proved failure; his very station in life proves his unfitness either to climb out of the abyss or to produce adequate profits for those who have climbed upon the backs of the workers. At best he is a broken cog in the industrial machine, and he is annoying, if not actually dangerous; so that society will be more comfortable and safe with him behind prison bars. He has no money to pay for legal defense, he occupies valuable time of the court, needed for more important activities; how natural that he should get short shrift and that the prison should engulf him!

It is also understandable that the judges should feel differently, and shade the law differently, toward the well-educated, well-groomed, and correctly-tailored man who comes into court with a group of expensive and eminent members of the bar to represent him. Then again, men of this type are very rarely charged with the sordid, ugly crimes which offend the sensibilities of the judge. Naturally the judge feels differently, and the procedure is not the same when a dirty hobo charged with stealing food from a freight car, and when a respec-

table, wealthy business man charged with the violation of some vague law like the Lever Act, stand at the bar of justice. The hobo looks and acts like a criminal when arraigned for petty theft, while the man charged with profiteering looks and acts like a business man; and the judge unconsciously shades the law accordingly. The unwashed hobo goes to prison, and the business man goes back to his office.

In the determination of what is law and what is not law by the higher courts these nice discriminations are quite as naturally made. Coal miners are a dirty, sweaty, black-faced, low-brow lot, with no proper regard for the sacredness of profits; so that that portion of the Lever Act which applies to coal miners who go on strike for higher wages, steady work, and greater security of the job, is law—it is constitutional, safe, and sound. Coal operators are clean, cultured, respectable gentlemen with nice perceptions concerning the law of supply and demand; and naturally that portion of the Lever Act which applies to profiteering in coal is not a law; to declare it sound and constitutional would be "radical, revolutionary, and confiscatory."

Laws may not have human weaknesses, but the men who interpret and apply them have, and all legal decisions are the expressions of the human bias of the courts; and in the human bias so expressed lies the unsolved problem of equality before the law for rich and poor.

I found that it was not this unconcealed bias of the courts that rankled most in the hearts of the women prisoners; they accepted that as natural and inevitable. But they were very bitter in the belief that they had not received proper defense, and that facts in their cases had been distorted or suppressed. They felt, even if they

could but vaguely express it, that courts functioned, not to ascertain the facts in a given case, but to cover them up with legal technicalities. The most bitter resentment in most cases was directed toward the lawyers who had handled the defense. Most of the women felt that, when it was not actually treasonable, it was slipshod and perfunctory. In a few instances the women believed that their lawyers had done all in their power, and they all but worshipped these men.

It was of course, to be expected that there would be unfair criticism of the counsel for the defense when the case was lost; but there was also something more fundamental than mere inability to be a good loser. The great mass of poor people believe with deep sincerity that there is one law and application of the law for the poor, and quite another for the rich. They believe, whether it is true or not, that favourable court decisions can practically always be bought in criminal cases if only enough money is forthcoming, and that conviction is almost a certainty for the man or woman who is without money to pay a good round price for justice. And they believe also that the principal function of the counsel for the defense is to apply the money where it will do the most good—a large portion of it naturally remaining in his pocket.

This belief may be only a part of the "social grudge" so common among the people of the abyss—a part of their psychopathology. But there is no denying that the poor can command only the lowest grade and the most questionable character of defense. Able, reputable, well established lawyers will not take the cases of the poor and obscure and unknown; they have neither the time nor the inclination to do so. Only young, inexperienced lawyers

hard pressed for clients, or the dishonest shyster lawyer, will bother with the cheap and sordid cases of the poor.

A very large percentage of the people who come into conflict with the law are too poor to pay for any sort of legal defense, regardless of how low the price or cheap the quality. It is the custom, when there is brought to trial on a criminal charge a person unable to pay for legal counsel, for the judge to assign some attorney to handle the case. Naturally no judge with proper regard for the men of his profession will assign an able, busy lawyer to defend a pauper. Such an assignment goes either to some young, inexperienced man willing to do the work in some fashion for the experience it will give him, or to a shyster or "jail runner."

The young, inexperienced lawyer may be sincere and really desire to serve his non-paying client, but he lacks experience and training as well as the money to pay the legitimate expenses and the time to prepare the case properly. He must go into court and engage in a legal battle with the prosecuting attorney, who has every advantage on his side. Prosecutors are usually of two types: (1) keen, shrewd, unscrupulous men who expect to make their records as prosecutors a stepping stone to political office, who know that convictions are the only things that count in such a record, and who will use any method to secure conviction, regardless of the facts in the case and of what justice really demands; and (2) cold, bitter semi-failures in the legal profession, who attempt to cover lack of personal success by vicious and vindictive persecution of the poor and helpless who fall into their hands. This self-seeking or pathological zeal of prosecuting attorneys to convict, regardless of facts

or the demands of justice, is always present in our criminal courts. Prosecutors frequently misstate and mistort facts, obtrude improper matter in the opening address, play up race and religious and political prejudices, suggest that the defendant has committed all sorts of crimes that no evidence is shown to support, abuse witnesses, for the defense, hurl vile epithets, and resort to all sorts of vicious and unfair methods of arousing prejudice in the minds of the jurors.

On the other hand the shyster and "jail runner" are the foulest vultures of the legal profession, and the profession as a whole can not claim clean hands as long as these jackals remain members of the bar and are permitted to practice in the courts. The stories I heard from the women prisoners, even if discounted one-half for exaggeration, damn the whole assignment system. These vultures and jackals haunt criminal court rooms, willing to take the assignments because they have peculiar and effective methods of extorting fees. Reginald Heber Smith says in his *Justice and the Poor:*

"They know how to strip the prisoner and his relatives to the last cent. For one whose conscience permits him to magnify the crime, the sureness of conviction, unless he is paid to defend, the severity of the judge and the horrors of prison, the process is simple and brings results. They have procured fees in various ways, from compelling the mortgage to some shark of all of the household goods, to forcing the prisoner's wife to sell herself on the streets. That degradation exists in connection with the administration of justice in criminal courts is common knowledge. And back of the professional assigned counsel have grown up runners and straw bondsmen, who have worked their way into jails, corrupted officials and preyed upon the prisoners."

The money cost of justice in the United States is so great, and about it have grown up so many wrongs and abuses, that the whole system of criminal law has become a voracious cormorant that devours the bodies, brains, and souls of the poor. The appetite of a criminal case, regardless of the guilt or innocence of the accused, is soul-sickening.

A petty political squabble over a little insignificant post office, coupled with war hysteria and its inevitable corruption of all that it touches, involved me in a charge of violating the Espionage Act, and a criminal case was started on its voracious way. The greedy maw of the federal court ate up a large and flourishing magazine, devoured a valuable real estate business, gobbled up the home and savings of a lifetime; it even lapped up the crumbs, furniture, books, and intimate personal belongings, and mortgaged the future of a family of six persons for a decade. And this domestic tragedy is re-enacted day after day, month after month, year after year in tens of thousands of American homes.

III

THE FUNCTION OF THE PRISON

As a rule we have very hazy ideas indeed as to the proper function and the requisite efficiency of the prison as a social institution. So general is the impression that prisons are a necessary part of our social machinery that for the time being we will accept that impression as true, and consider only the questions of function and efficiency. In a general way we agree that prisons should serve a threefold purpose: they should be places of social vengeance where we punish persons who break the law; they should be safe places to segregate unpleasant and dangerous persons; and they should be places where some indefinite thing called "reformation" is achieved by some unknown and mysterious process.

No one denies, I think, that our whole prison system as it exists to-day is based on the idea of social vengeance. So far as I have been able to determine, the problem seems to resolve into certain questions for which we must find intelligent answers.

Is social vengeance the proper purpose of our penal institutions?

Who shall determine the nature of this social vengeance?

Is the loss of liberty sufficient punishment for misdeeds, or shall there be added the deliberate violation of every normal human impulse?

Should social vengeance include undernourishment,

bad housing, degrading raiment, enforced unpaid labour, contamination from loathsome diseases, mental stagnation, moral degeneracy, and spiritual disintegration?

Must social vengeance include physical violence and excessive brutality, and if it must, should we have a body of public servants trained for that purpose?

If we must have public servants trained for prison brutality, where, and how, shall they be secured?

Shall we breed and train administrators of brutality and torture, or shall we leave to chance the problem of securing prison keepers sufficiently brutal to carry out the requirements of social vengeance?

What standards shall be used to measure their ability to administer punishments?

Who shall determine the natural fitness and degree of training in prison brutality which is proper to these public servants?

Is it possible for one human being to inflict mental and physical torture on another human being without himself being injured?

If the infliction of torture on prisoners injures the public servants who act as prison keepers, how shall society compensate the servants so injured?

Have we any reliable information as to whether or not the methods of prison cruelty as now applied have a tendency to graduate from our prisons ex-convicts less disturbing to the public peace, and safer persons with whom to live, than the criminals whom we sent to prison?

If it is true that social vengeance is just and efficient, and that society has the right to punish by prison brutalities any member who violates its laws, must we not determine the share of responsibility which society bears, in order that the delinquent may be punished with an approximately exact justice?

If we admit that punishment, in order to be effective, must be just, and if we admit that in many instances individuals are punished for the sins of society as a whole, is not crime added to crime, and no good end served?

When we have found rational, scientific, common-sense answers to these questions we shall have reached the heart of the prison problem. As yet we are much befogged on all of them.

To the unthinking the grim grey walls with their shrouding cloak of mystery, and the steel-barred windows, sinister in their silence, give a comforting sense of social security against the depredations of criminals. We feel, somehow, that walls and bars make us safe, and that massive locks and armed guards give us protection. "The wish is father to the thought," so we have come to consider our prisons safe places for the segregation of the criminals that prey upon society. We know that in the field of physical hygiene the segregation of the infected from the uninfected is recognized as necessary to the control and cure of physical diseases, and somehow we feel that prisons protect us from moral contamination.

This myth is no doubt comforting to the unthinking—but it is a myth. If criminality is an infectious moral disease, jails and prisons have not provided, and under present methods of management never will provide, the security of real segregation.

I have often watched the police patrol wagon go clanging down the street carrying some malefactor to jail, and in some unexplained way it seemed to bring a soothing sense of security. I felt that the sleepless eye of the law was ever alert for my protection, and that criminals who might endanger my property or life would be quickly and safely shut behind prison bars. I am wiser now. I have seen the inside workings of prisons, and I know that

all the clanging patrol wagons, all the stolid policemen, all the mysteries of the courtroom, all the evil-smelling jails and frowning prison walls can not make me safe from the depredations of the criminally bent.

I have seen the federal court and the prison in operation, and after my release I sat in other courts and watched the workings of the law there. The first man brought in was a noted automobile bandit who drove the arresting officer to the station in a car noted for its speed and high price. Any cub reporter in the city could tell thrilling stories of the skill and daring and amazing depredations committed by this ultra-modern thief. The policeman who arrested him, the judge before whom he was arraigned, and all the courtroom loungers knew his record. But he was represented by a high-priced attorney, a notorious political ward heeler, and a multimillionaire professional bondsman provided bond for his appearance in court, and he drove away to indulge in his profession of banditry, gaily undisturbed by his experience with the law.

Then there was a shambling moron, vacant-eyed, listless, and degenerate. He had been arrested for making lewd remarks to a group of school girls. His mother worked as cook for a well-known saloon keeper who provided the fine, and the pervert went on his way.

Then came a street walker arrested for soliciting, but her cadet was on hand, a whispered conversation took place between the panderer and the judge, money was deposited, and the girl went back to her profession.

The next was a "hop head" arrested for peddling "dope." But the charge was changed to vagrancy, and he got thirty days in the work-house.

Then came a wild-eyed woman sobbing and muttering that some one had insulted her. She was charged with

assault, but a worried looking husband and a fat, sleek lawyer conferred with the judge, a Liberty bond was deposited for bail, and the woman muttered her way to freedom. And so the monotonous grind went on and on, and at the end of the day a score of really dangerous persons had been freed, and five merely annoying ones were in jail.

The judges had administered the letter of the law; they had done all that can be expected of the type of men we elect to the duties of police judge; but they had not segregated the dangerous criminals, nor had they safeguarded the lives and property of the people of the city.

Had these courts had, instead of merely ignorant politicians, the services of a trained physician and psychologist, fitted to detect dangerous traits of human character and abnormalities, the story would have been different. The scientifically trained man would have known that the bandit would immediately return to his criminal activities, and that to release him on bail would merely make the law-enforcing machinery of the city a partner in his crime.

In the degenerate moron the psychologist would have recognized the potential rapist and possible murderer, and he would have been committed to an institution for the feeble-minded.

The physician would have known that the street walker was almost sure to be infected with venereal diseases which she would transmit to her customers, and she would have been placed in a segregation hospital for treatment.

Trained men would have known that thirty days in the work-house for the drug addict would merely mean a period of hellish torture while in prison and continued degeneracy when released, and he too would have been committed to a hospital for treatment.

The psychologist would have recognized in the woman arrested for assault, not a criminal, but a dangerous dement, who must be sent to a psychopathic hospital.

I know, of course, that laws permitting persons charged with crime to give bond for appearance in court are necessary to protect the innocent from unjust punishment while waiting trial, but surely no person should be released on bond until he has been carefully observed and painstakingly examined by a competent physician and psychologist, who alone can determine whether or not a delinquent is really dangerous to society.

We reassure ourselves that, while it may be true that dangerous criminals are sometimes released on bonds, we are actually quite safe once they are in the penitentiary. We feel that after a criminal has had his day in court, after he has been found guilty and shut behind prison walls, we are safeguarded. This too is a comforting myth, but a myth only.

Prisons do not segregate, and they do not permanently and adequately protect us from the criminal by shutting him behind prison walls. And neither does the prison segregate the various grades and types of convicts who go to prison. We know that not all persons who go to prison are equally criminalistic and dangerous. We know that some are young and new to the ways of crime, and some are old and hardened. We know that some are shrewd and highly trained in criminal practices, and many are merely the stupid victims of circumstances. We know that some are habitual criminals, some are accidental, and some are being punished for the crimes of others. We know that some are approximately normal and many are abnormal; some free from physical disease, and many contaminated. Yet within the prison where I

served, for whose conditions the federal government, by sending prisoners, accepts responsibility, there was no attempt at intelligent segregation, no recognition of mental or physical abnormalities, no attempt to prevent the spread of diseases, physical, mental, or moral.

And there was not the slightest effort to segregate the young offenders from the old and more hardened and vicious criminals. In my experience three coloured girls and two white girls stand out as glaring examples of this brutal stupidity.

Gabriella Antolini and Mollie Steimer were fellow politicals of mine. Mollie had circulated some leaflets which Justice Oliver Wendell Holmes said she had as much right to distribute as the United States government has to circulate copies of the Constitution. Gabriella was "framed" by Department of Justice agents in the hope of forcing some damaging confessions from her concerning a certain group of radically-inclined Italians. Both were immigrants who had come to this country hoping to find the fabled "land of the free and home of the brave." Gabriella was an Italian and Mollie a Russian; they were each less than eighteen years of age, small delicate, and far more refined and clean-minded than the average American girl of the same station in life. But they had, or thought they had, Socialistic leanings, possibly because of their experiences in industry, and they were caught in the net that sent some of the finest and cleanest souls in America to prison cells.

Lelia and Esther were two little coloured girls from Kansas City, both under sixteen. They were typical little negro "dossies" of the coloured slum sections of our Southern cities. A well-meaning but woefully ignorant social worker had found them playing hookey from school, and they were haled before the court and committed to

the Industrial School for coloured girls at Tipton, Missouri.

Lorene was a mental defective with the mind of a child of five years, from the slums of St. Louis. Her hard-working coloured mother could not give her the necessary care and earn a living over the washtub at the same time, so Lorene reached the Industrial School also. Some sort of mutiny broke out in the school, and Lorene, Esther, and Lelia were charged with being the leading spirits. Without trial or sentence, without appearance in court or legal defense, these three children were thrown into automobiles in charge of male guards from the penitentiary and brought to Jefferson City and locked up. They were childishly rebellious, terribly homesick, and bedraggled as alley kittens. Poor Lorene was too mentally deficient to make the task, or adjust herself to the iron discipline, and some of the most terrible and brutal punishments which I witnessed were visited on this feeble-minded child. Lelia was a very pretty quadroon and was soon in great demand by the older sex perverts. These five girls, all of them mere children, and none of them in any sense criminals, were thrust into that putrid social cesspool where contamination physical, mental, and moral was almost inevitable.

Peggy was an old stager, a professional thief and white slaver who had been sent up because she thought herself strong enough to defy her cadet. Peggy had plenty of money, was witty, daring, and resourceful, had a good "stand in" with the petty officials and the stool-pigeons, and she soon became mentor and leader of the younger women in the prison. And while she was still there she sent several young girls whose terms had expired to her connections outside.

If every convict sent up were sentenced for life and

never came back to the outside world to mingle with respectable folk, the smug might be more intelligent in their smugness. But in reality only a very few convicts are sentenced for life, and fewer still fail to secure parole or pardon sooner or later. The average length of prison sentences served is about two years, and the vicious abuses of the parole and pardoning powers by corrupt politicians make it easy for real criminals to secure release from prison, even though they have received long sentences.

No prison is administered, or can be under our present system of brutality and repression, without the services of "snitches" and stool-pigeons. Prison jobs are a part of the spoils of our political state, and usually an entirely new set of officials and employees comes in with each election and goes out with the defeated political party. It is the unwritten law of prison management that the outgoing officials shall secure if possible the pardon or parole of their "snitches" and stool-pigeons. As only the lowest and most degenerate convicts are vicious enough to earn release in this way, we are fairly sure to get our very worst back from prison.

Political machines in the large cities need thugs and prostitutes and criminals to serve them; prison officials receive their fat appointments from political machines, and naturally political pull dominates very largely the granting of paroles and pardons.

It was generally understood in Jefferson City that if one lacked the necessary political pull to secure a parole, five hundred dollars in cash was just as effective. There was one lawyer in Jefferson City who was amazingly successful in opening prison doors, and his fee was always just five hundred dollars. I was never able to secure absolute proof of the sale of paroles, but I know that one

woman after another was paroled as soon as the lawyer's fee was forthcoming. Two of the prisoners borrowed substantial sums of money from me to make up the required fee; both were released; and both repaid the loan.

I do not oppose the parole system; on the other hand, I would broaden its scope and make the granting of paroles possible before the convicted person had been committed to prison, particularly in the case of young first offenders. But I would take the granting of pardons and paroles out of the hands of politically controlled prison boards and place it in the hands of physicians and psychologists capable of intelligently determining whether or not an offender should be released or committed to an institution for indicated treatment. Facilities for follow-up care should also be provided for both pardoned and paroled prisoners; for, unless they have fairly well-to-do and politically powerful friends outside to help them make the adjustment to normal life, it is an almost impossible task for a prisoner who has served any length of time.

My personal experiences lead me to believe that prisons, as they are conducted to-day, are not places in which to segregate safely men and women who are dangerous to society and to themselves. The modern prison with its heterogeneous mass of physically, mentally, and spiritually diseased inmates herded together in unsanitary surroundings, exploited by contract labour, subjected to the despotic domination of untrained, ignorant, brutal, and frequently sadistic keepers, pawns of corrupt politicians and preyed upon by human jackals, is neither safe nor socially sane.

The average convict stays in prison about long enough to have grafted upon his abnormalities of body, brain, and soul the degenerating results of prison life. The

delinquent enters the prison, stays a few months or years, then returns to society with all of his anti-social traits set and hardened by brutalities. He returns to civil life branded by the stigma of shame, the lawful prey of harpies, penniless, ill-clad, anæmic from under-feeding, broken by slave labour, and contaminated by loathsome diseases. The released convict brings back to society all of the dangerous characteristics which he took to prison, as well as many more which he acquired there.

There is a generally accepted theory that in some way prisons reform criminals, and by some unexplained and mysterious process make good people out of bad people. Few to-day are willing to admit that punishment should be administered in a spirit of revenge, and most people have serious doubts of the efficiency of prisons as places of segregation; but they still cling to the belief that somehow a prison sentence will remake an evil-doer.

But if we ask proof of this theory and frankly face the hard, cold facts, it seems self-evident that prisons do not reform. The criminal population of this country is increasing much faster than our general ratio of increase. Criminal courts are everywhere so crowded that their overflowing dockets make speedy trials impossible. Innocent persons charged with crime must bear the stigma for months, even years, before trials are possible, and guilty ones escape because witnesses scatter or die of old age. The money cost of handling this increase in crime is so great that a commission was recently organized by prominent lawyers of the various states to undertake the task of simplifying and unifying criminal court procedure. A bill was recently passed by Congress adding a large number of new federal judges to handle the increased flow of crime. The prisons of the country are badly over-crowded, and in many states additional

facilities for caring for prisoners are in process of construction.

There is an appalling lack of reliable data on crime and criminals, but the few data available prove that an astonishing percentage of men and women drift from one prison to another—repeaters who serve sentence after sentence. One of the things which I noted was that so many of my prison mates had graduated into the penitentiary from orphans' homes, charitable institutions, houses of correction, and reform schools. In fact, these institutions would seem to be incubators of crime rather than benevolent and corrective influences.

One woman had served in eleven prisons, one in seven, three in five; and second- and third-termers were in the majority.

It may be that the reason why prisons fail to reform their inmates is that good people are usually normal people, whereas bad people are very generally subnormal, and that our prisons, as I know them, ignore this fact completely. In fact, no one connected with the management of our prison seemed to realize that there was any relation between physical, mental, and psychic abnormalities and crime.

A few men like Dr. Gluck, Dr. Healey, and Dr. Fernald have done very valuable research work and written extremely helpful books dealing with these problems; the American Social Hygiene Association and the American Mental Hygiene Association have done work of tremendous social value in this field; but the average prison official hates the investigator of causative factors in crime and sneers at his suggestions of more rational and scientific methods of handling delinquents.

The physical unfitness which leads to industrial inefficiency played a large part in the development of the

criminalistic careers which I had an opportunity to study. Of the more than two hundred women whom I observed in Jefferson City, I feel quite sure not ten per cent would have passed an ordinary life insurance examination. And all of the others were far below the physical standards necessary to win out in the work-a-day struggle for existance.

For example, because of the publicity aroused by the famous bathtub letter which I smuggled out and the public protest which it aroused against the uncivilized manner of handling venereal diseases, the management was forced to make certain improvements; eighty-six women were given the Wassermann test one day, and I was informed that fifty-eight gave positive reactions on the first test. No examinations for other venereal diseases were given, but I feel sure that they existed in the large majority of the women. A severe case of venereal infection unfits a woman to earn her living, even in the profession of prostitution. Naturally petty crime was the only means of livelihood for most of these women.

The mental subnormal is not only susceptible to criminal influences, but also unfitted to meet the problems of life and gainful labour. I feel sure that seventy-five per cent of the prisoners with whom I served were mentally subnormal, psychopaths and demented. Yet no recognition was given this fact by the prison management—and surely we are justified in grave misgivings as to the efficiency of such a prison in the presumed function of reformation.

IV

THE PRISON

The state penitentiary at Jefferson City, Missouri, has enjoyed the distinction of being the largest prison in the United States, if not in the world. The females' wing, which, at the time I was there was about fifteen years old, was much better than some of the older buildings used for the male convicts, but far less satisfactory than the one more modern building in the male department. It was constructed of stone and concrete with tile and cement floors, heavily barred but plentiful windows, and a fairly modern but woefully dilapidated heating system.

The cellhouse, which is the living quarters of the women prisoners, is a long building with a cage of cells in the center, four cells high and two deep, facing in opposite directions. The cells are seven feet wide, eight deep, and seven high. The ceiling, back, and side walls of each cell are of solid steel, the floor of cement, and the front of steel bars. Each cell is supplied with a toilet and a lavatory with running cold water. At the time I was there each woman had a cell, and considerable latitude was given the women in furnishing and decorating their cells, at their own expense. Each cell was supplied with a steel bunk fastened to the wall; two bags of straw, one for a mattress and the other for a pillow; a crude kitchen table; a stool or chair, usually in the last stages of decrepitude; and a broom and dust-pan. Each woman is given, when

she is "dressed in," three coarse brown muslin sheets, two pillow cases, two brown crash towels, and two coarse and very dirty blankets of most questionable antecedents. The women were required, under severe penalty, to keep their cells as clean and tidy as was possible in their dilapidated condition. Thursday evening after work hours was cleaning time, and each woman was required to remove everything from her cell and clean and scrub it.

At the time I entered, the wing was very dirty and, in most essentials, shabby and unsanitary. Every crack and crevice of the cellhouse was full of vermin of every known sort, which no amount of scrubbing on the part of the women could permanently dislodge.

The dining room was light and airy, and at the present time it is fairly satisfactory. At the time I entered it was very different. The walls were streaked with grime and the ceiling covered with an unbelievably heavy coat of fly-specks. The dining room was not screened, and fifteen years' accumulation of well preserved fly-specks was an astonishing thing to behold. My first prison meal is, of course, a vivid memory. I found the dining room filled with long wooden benches like the old-fashioned school desks, each seating eight women. The white women occupied one side of the room and the coloured women the other. The dishes were of rusty, battered tinware, the knives and forks of cast iron, and, for some incomprehensible reason, the spoons were non-existent. If a woman wished to use a spoon she was compelled to buy it with her own money and carry it about in the one pocket she possessed, along with her pocket handkerchief and other movable property. I was able neither to fathom this aversion to spoons nor to induce the management to supply them or permit me to do so, and so far as I know the Missouri State Penitentiary is still spoonless.

The first thing that struck me was the dead, rancid odour, the typical institution smell, much intensified. It was the concentrated odour of dead air, venerable hash, ancient stews, senile "wienies," and cabbage soup, mingled with the musty odour of decaying wood saturated with rancid grease and home-made soap.

The benches and tables were very old, having done service for more than half a century. Many generations of prisoners had scrubbed them; they creaked and groaned with the infirmities of age, and every crack and crevice was inhabited with old and well established cockroach families. They were very hungry roaches, who insisted on sharing our meals with us; so we ate with one hand and picked roaches out of our food with the other. I was not adept at one-handed eating and could not develop a taste for roaches to garnish my food. I made enough fuss about the matter to induce the management to have the dining room cleaned and painted, and to provide tables, chairs, white table cloths, and real dishes. The dining room is now quite civilized, except for the missing spoons.

Few of the older prison buildings are so well supplied with windows as the females' wing of the Missouri State Penitentiary, but for the most part the windows are quite useless. Fifteen years' accumulation of dirt was fairly efficient in shutting out light and sunshine, and where it was not entirely satisfactory the windows had been painted over with grey paint—to prevent the women flirting with the men on the other side of the wall, the matron said. Many of the windows were nailed shut, and the dread of fresh air so common to all ignorant people kept the others tightly closed except in the very hot weather. The absolute control of the ventilation of the cellhouse was in the hands of a negro stool pigeon whose fanatical fear

of night air kept us in a state of semi-suffocation both winter and summer.

Rats, flies, and cockroaches, not to mention other vermin unmentionable in polite society, were plagues of our prison life. The rats were perhaps worst of all. They overran the place in swarms, scampered over the dining tables, nibbled our bread, played in our dishes, crept into bed with us, chewed up our shoes, and carried off everything not nailed down or hung far above their reach. I have not the instinctive fear of rats and mice that many women have, but for weeks I spent sleepless nights routing them out of my bed and chasing them out of my cell. Not until my young son visited the prison and had the ingenuity to think of covering the front bars with screen wire did I ever know a night's rest.

The most robust and buxom cockroaches I have ever known were ever present and fought with the rats for the food which we were permitted to buy. There were no screens, and the flies swarmed about the cellhouse in clouds. One of the most terrible things which I had to endure was that an Indian woman in the last stages of syphilis, her body covered with open lesions and dripping pus, occupied the cell directly below me. Her open sores were never properly dressed, the stench was frightful, and the flies swarmed over her and then awakened us in the morning by crawling over our faces. The effect of these unnecessary pests upon human nerves can readily be imagined. The sleepless nights caused by them were a very large factor in the punishments administered for "bad work" and failure to make the "task."

The bathing facilities gave me my first real introduction to prison horrors. At the time I entered there were two old, cracked, rusty bathtubs in the bathroom and one in the unfurnished hospital room. Naturally, among

women so largely recruited from the underworld, venereal disease was very common. There was no effort to segregate the clean women from the infected, and on bathing night, which came once a week, we all used the same tubs.

On my first bathing night, as I awaited my turn to bathe, an Indian woman by the name of Alice Cox stepped out of the bathroom, and I was ordered to use the tub which she had just vacated. Alice was an Alaska Indian, and her story is both old and common. Her ancestors had lived in Alaska for many generations in peace and decency, according to their understanding. Gold was discovered in the Klondike, the great onrush of gold-seekers came, and in the wake of the gold seekers came the army garrison. It is the old, old story of the white man's invasion of the Indian's home, with all that that implies.

Alice told me her story many times, and it is so common that I have no reason to question the truth of it. She said that when she was a young girl of seventeen a young soldier stationed at the garrison hired her to take him in her canoe to a mining claim some miles up the river. On the trip she was assaulted and violated by the young soldier, and in the process infected with syphilis. Alice was only an Indian, and she reacted according to her tribal custom. She killed the man who violated her. Alice was arrested and held in a Federal jail for seventeen months awaiting trial; and she insists that, though the officials knew she had been infected by the man who violated her, no medical treatment whatever was given. She was convicted of murder and sentenced to twenty-five years in prison, and she had served about nine years in Lansing, Kansas, and Jefferson City, Missouri. She had been in the custody of the United States Department of Justice for almost eleven years, and Alice insisted that

until Emma Goldman came to Jefferson City as a political prisoner she had received no treatment for venereal disease. When Miss Goldman's vehement protests finally secured treatment her case was hopeless.

As Alice stepped out of the bathroom she was one of the most terrible creatures I have ever seen. From her throat to her feet she was one mass of open sores driping pus. I have seen her with her clothes so stiff with dried pus that they rattled when she walked, and I have seen live maggots working out of the filthy bandages about her neck.

Alice had used the bathtub, and I was ordered to use it also. I asked the matron if it were necessary that I use the same tub that Alice had used, and she said it was. I then asked who cleaned the tub, and she replied that Alice was too ill and that I was to do it. I then asked what disinfectants were used. "Disinfectants!" she snarled; "whatdaya mean?"

"I mean what prophylactic measures do you use to keep the clean women from becoming infected with venereal disease?" I replied.

She screeched: "Hell, we ain't got none of them high-falutin' things here. This ain't no swell hotel—this is the pen!"

I protested: "But Miss Smith, you know what disease Alice has, you know how communicable it is, you know that if I use that tub I may become infected. You know I am a married woman with a husband and four children. You know I travel a great deal and sleep in Pullman cars and use public facilities. Does the United States Department of Justice expect me to become infected with syphilis and go back to civilized life and infect others who are certainly innocent of wrong-doing?"

Sputtering and snarling with rage, the matron cried:

"I don't know a thing about that, and care a damn sight less. You are a convict; this is what there is here for you to use. Now get ter hell outa here and take yer bath."

"But I refuse. To do so would be a social crime!" I replied.

Shrieking and cursing, the matron told me that I would bathe in the infected tub or she would send me to the "black hole" and "break" me. I knew she had the power and the temperament to do it. She had broken Minnie Eddy in the black hole a few weeks previous—and Minnie had been carried out in a pine box. So I stepped into the bathroom and turned on the taps—but I did not bathe.

That night I got a letter out "underground" to my husband. He reproduced the letter and sent it to a thousand influential people. It was published in newspapers and magazines, and a storm of protest arose all over the country. In less than three weeks we had shower baths installed in the females' wing of the prison, and that horror was abated.

I was able to rout the common bathtub, but I was never able to prevent the diseased women from handling the food. The women who were too ill to work in the shop were used in the dining room. I think all of them were tubercular and syphilitic. I have seen the food which the women were forced to eat handled by women with pus oozing from open sores on their arms and dripping into the dishes, and it was a common sight to see our food sprayed with tuberculosis germs from the lips of coughing convicts.

There is nothing in my prison life that I remember with so much loathing as the inexcusable methods used in dealing with communicable diseases.

The great majority of the women prisoners were in sore need of hospitalization; yet no hospital facilities were provided. Regardless of how serious or how contagious the illness that might develop, the women were kept locked in their cells when ill. When the females' wing was built, now about eighteen years ago, a fairly good hospital room was provided; but the years have come and gone, and no warden or prison board has ever thought it worth while to equip this room, and it was used only for solitary confinement and punishment. Five hundred dollars intelligently expended would equip the room reasonably well and provide the facilities demanded by common decency. The women convicts have produced hundreds of thousands of dollars' worth of wealth in the prison workshop, but not a penny of it has been expended in furnishing a hospital to give civilized care to the women when they have been physically wrecked by the driven labour of the contract shop. Having been seriously ill twice while in prison, I know by actual experience how bad these conditions are. On one occasion I suffered a heat prostration because of the unbearable heat and bad ventilation in the workshop. I was thrown into my cell at two o'clock in the afternoon; and the trusty was ordered by the matron to give all the women notice that no one was to come near my cell, and that if any one gave me a drink of water both she and I would go to the black hole. The matron later told the warden that she had given this order because she believed that I was stalling to avoid work, though I had never made the slightest protest against doing the work assigned me. In fever and torturing thirst I lay unattended from two in the afternoon until the women came in from the yard at six-thirty in the evening. The women told me later that I was quite

delirious and begged for water, but no attention was given me until the prisoners started a mutiny. This forced the matron to call the warden. He insisted that I receive medical attention, which no doubt saved my life; but the women were brutally punished for their part in the matter.

Two days later I was ordered back to the shop by the matron, in violation of the doctor's orders, and I suffered a relapse. My husband became alarmed over the non-arrival of my weekly letter, came to investigate, and, when he found what the conditions were, protested to the warden. The doctor then demanded that his orders be obeyed, and I was kept locked in my cell until I had partially recovered.

During the influenza epidemic I and about forty or fifty of the women prisoners were critically ill. There were no hospital facilities and no efforts were made to isolate the cases. We were simply locked into our cells and left to the tender mercies of one of the most ignorant, brutal, degenerate black stool pigeons in captivity and those of a kindly but demented old white convict. There were no hot water bottles except mine, no ice bags, and no clinical thermometer, and until I had sufficiently recovered to raise a row no one paid the slightest attention to our temperatures.

When the thermometer finally was forthcoming, I was the only person in the females' wing who could read it. So the old white convict would trot about taking temperatures and bringing the thermometer to me to read. The negro stool pigeon decided that this was too much trouble; and she simply put it into the mouths of all the sick women in one row of cells, one after another, and then came to me to find out how much fever each one had. When I was able to notice what was being done I observed

her placing the thermometer in the mouth of a woman with open syphilitic lesions in her throat, and then, without even wiping it on her apron as she usually did, placing it in the mouth of a clean young girl. I decided that the possession of this sick-room necessity was not an unmixed blessing. The thermometer dropped on the floor one day and was broken—quite by accident, of course.

Our cells were so arranged that our heads were six inches from the steel-barred doors, and eight times each day these doors were clanged open and shut. The effect of this when one has a raging fever can not be expressed in words. The women who were not ill were compelled to take their recreation in the corridor just outside the cells, and the nerve-racking clamour was almost unbearable for those of us who were critically ill.

Unless the women were very near death the cell door was always kept locked, and sometimes we would be forgotten for a whole day at a time. During the trying period of convalescence the misery of being kept locked in a cell without care was almost unbearable.

No sick room diet was provided, and as soon as the women could eat anything they were served the coarse, grease-soaked prison fare. Favoured prisoners did at times receive extra food during illness, but not unless it was purchased from the stool pigeon, or unless the harassed, overworked prison doctor forced the issue.

A very large percentage of the women suffered from tuberculosis—just how large I can not say, for no survey has ever been made. The doctor ordered a special diet for the tuberculars, but it was never provided. Of the women convicts who served with me, every one whom I have been able to keep in touch with since release is now suffering from tuberculosis or has died from it. The

black hole, under-feeding, overwork, polluted air, fear, and punishment reduce the physical resistance of the women until they are easy prey for the ever-present germs, and I feel that very few indeed escape it.

So far as dealing with the mentally diseased is concerned, conditions are, if possible, worse. The average number of inmates of the women's wing was about one hundred, one-third Federal prisoners and two-thirds state. So far as I could determine, about seventy to eighty per cent were subnormal mentally and physically; they were practically all neurotic and emotionally unstable and hag-ridden by social grudges that made them markedly psychopathic. There are no facilities for separating the sane from the insane, the feeble-minded and the psychopathic. In fact no one seemed to have the slightest idea that it should be done. And not all the sins committed against the mentally diseased in this prison could be laid at the door of the officials. It seems to be the custom of many judges, when faced by the annoying problem of disposing of these disturbing products of our social system, to solve it by simply dumping them into the state penitentiary. The county must pay for the care of these derelicts in the county poorhouse, or the state insane asylum; but if they can be convicted and sent to the state penitentiary the burden is shifted to the taxpayers of the state.

An interesting example of this method of shifting the burden of caring for human wrecks was Mary Wooliver. Mary was a poor old creature slowly dying from cancer. She was the inmate of a county poorhouse in the southern part of Missouri. One night she accidentally upset her oil lamp on her bed and set it on fire. She was arrested, convicted of arson, and sent to the state penitentiary, where she finally died, and the county escaped the bur-

den of caring for her while she lived and the expense of burying her when she was dead. I was informed by an official at the Federal prison at Atlanta, Georgia, that county judges are not alone in this matter. Federal judges quite frequently solve the problem of annoying drug addicts in the same way.

I was not permitted by the prison officials to keep the data gathered in a survey of the prisoners, but I think that seventy-five per cent were mentally and psychically abnormal, and an appalling number were obviously insane. No effort was made to segregate the mentally diseased; no intelligent consideration was given their mental condition in the amount of work demanded or the discipline exacted, and no helpful treatment was ever given. It is a tragic and soul-sickening thing that the most revolting instances of brutality and downright fiendish cruelty were directed toward the women utterly unable to make the "task" or conform to required discipline—women who should never have been sent to prison, but should rather have been committed to institutions for the feeble-minded or insane.

The methods and facilities for dealing with the psychopaths were, if possible, more benighted still, for the prison management seemed blissfully unconscious of everything related to modern psychology. They dealt with the psychically ill with the same degree of intelligence that the old witch doctors used in dealing with the physically ill. The witch doctors beat sick men with clubs to drive the devils out of them, and in our prison the officials punished the psychically sick to obtain the same results—and their methods were just as efficient in curing criminality as the witch doctors' in curing jungle fever.

V

THE PRISONERS

I lived for fourteen months the life of a Federal prisoner in the State Penitentiary at Jefferson City, Missouri. I had, perhaps, a better opportunity to study female prisoners and the conditions existing in this, an average prison, than any other person has had who is really interested in female delinquency. I had the advantage of having some previous training and an intellectual background not common among women convicts. I had what the criminologist does not have—the actual experience of being a convict—and I also had sufficient time in prison to check theories and impressions with well tested facts.

I managed to escape bitterness and rancour and to devote my time to studying, as honestly and fairly as I could, the prison system as I endured it; attempting to evaluate, as nearly as my training permitted, its efficiency as a place of social vengeance and of segregation, and the results of its methods of reforming socially undesirable persons committed to its care.

The women themselves were, of course, the vividly interesting feature of my prison life. My first studies in criminology had been in the older schools of which Lombroso is the best known exponent. The theories of this school I had acquired at the most impressionable period of my life; and, in spite of later studies in the directions

taken by the Freudian school, the earlier impressions were dominant. I held the convictions, quite common, I think, that there is such a thing as a "criminal type," a distinct "criminal class," and that certain symptoms called "criminal stigmata" might be found in all delinquents.

My first view of my prison mates was disconcerting. They did not measure up to my preconceived idea of what a group of the "criminal class" should be. On that never-to-be-forgotten first day that looms so large in every prisoner's memory, after the ordeal of being "dressed in," I waited for my first meal with the women who have come to mean more to me than any other associates I have ever known. With the women who cleaned the halls and worked in the prison laundry, and with those too ill to work, I lined up in the narrow hall and watched these modern chattel slaves march from the workshop to the dining room to eat their coarse and scanty prison fare.

It was a tragic tale which that line of weary, toil-stained women told as they shuffled by—a challenge to our civilization, an indictment of our social system. There were women there scarred by the marks of toil, marred by the curse of poverty, and broken by the sordid struggle for existence. There were young girls there marked by the stamp of vice before the childish roundness of cheek and chin had settled into the hard lines of degraded womanhood. There were old women, some burned out by vice, and some bent with honest labour and child-bearing. There were cripples and degenerates, consumptives and epileptics, dements and sex perverts, morons and high-grade imbeciles, and a very few who under ordinary conditions would be classed as normal. The few normal women in that tragic group, practically all political prisoners, were for the most part women and girls so fine and clean, so intelligent and womanly, that

the horror of plunging them into that human cesspool gripped my heart and seemed to wring it dry.

When my place in that long line of human tragedy came, some companion gave me a gentle push, and I fell into the prison lockstep with a few of the noblest women God ever made and many of the saddest wrecks life ever marred. Except for the hideously ugly prison dress they did not differ startlingly from the sort of women one might find crowding about a bargain table in a department store basement or dragging a cotton sack on a tenant farm.

Naturally I studied these women with keen interest. But I was never able to discover the expected physical marks of the "criminal type," and none displayed, so far as I could determine, the stigmata of criminalism of which Lombroso writes, and of which I had been wont to speak so glibly. The only stigmata that I could discover were those of poverty, excessive child-bearing, undernourishment, and overwork. In every phase of most of the women's outside lives these things were commonplace, and I think I am justified in feeling that they were the great determining factors in their delinquency.

In my very first attempt to study the women prisoners I came in contact with the most common and vicious results of women's economic dependency. The warden and the chaplain both assured me that it was useless to attempt to make any study of causative factors, or to arrive at worth-while conclusions, because "they all lied like troopers." And the women did lie. Certainly they did—and why not? From my own experiences and what they told me, I am quite sure that their experiences in life would have no tendency to induce them to be strictly truthful. Certainly their experiences with the law and its application would not. They had learned by bitter ex-

perience that truth is an outcast from the courts, and that their prison life was a maze of lies.

The very first thing I was compelled to do when I went to prison was to stitch a lying label on the overalls I made. This label stated that this prison-made garment was manufactured by a respectable firm hundreds of miles away in another state; and it bore no indication that it was one of the most hated things in modern commerce—prison-made goods. The warden lied to the women prisoners, the chaplain lied to them, and so did the matron and the guards and the "stool pigeons." Society lied to them also when the pretense was made that the purpose of their imprisonment was to "reform" them, whereas every woman knew that the real object was social vengeance and exploitation for the profit of the political party in power and the prison contractors.

And I am not sure that women convicts are the only women who lie. I rather think all women do. We are forced to do it in order to live. I am afraid I shall have to confess that I am somewhat of an expert myself. I have evaded the truth for all the men I know—my father, brothers, schoolmates, sweethearts, husband, sons, employer, and employees; for my doctor, lawyer, minister, and co-workers in the labour movement. And I presume I shall keep right on prevaricating for men to the end of my days. All women do. It is the price we pay for even approximate peace. The effect on our social relations, should all women proceed to tell the truth, the whole truth, and nothing but the truth about all the men they come in contact with, would be appalling to contemplate.

Judy O'Grady and the captain's lady are much akin. So the women convicts did lie to me, not always consciously; as a rule, I think, unconsciously. The first

stories they told me of their tragedies and their crimes were never true. In fact, they almost never knew the real causes for their delinquencies, and they did not tell them if they did. Why should they? I found that getting the real story of a woman convict's life was not so easy as turning on a phonograph. It required cartons of chewing gum, pounds of candy, unlimited patience, and endless work to get the true stories of only a few of the women with whom I served in prison.

I could only get the facts piecemeal, bit by bit, from time to time; and always I must get them when the tellers were off guard, when they did not realize that they were laying bare the inmost secrets of their sin-scarred souls. I found that my dearly beloved notebook was worse than useless. I had to cultivate a memory that would retain the fragment of a life history and fit those fragments into a mosaic of human frailty. To gather the facts it was necessary to hold their respect, command their faith, gain their love, and touch into life the mute, deadened strings of their hearts. It was not an easy task, but the rewards were great; for I found that in every woman convict's life there appeared to be economic, psychological, and sociological causes for her crime, and in almost every case, it seemed to me, social responsibility for her criminality was far greater than individual responsibility.

The prison population of the Missouri State Penitentiary is usually about 2600, 100 women and 2500 men. Basing conclusions on these figures one might think that men are something more than twenty-five times as bad as women. Flattering as this conclusion may be to my sex, I do not think it is true. In spite of the fact that there were twenty-five times as many men as women in this prison—and the ratio is approximately the same in all states—so far as I can judge, men and women are

"good" and "bad" to about the same degree, and sex has little to do with criminality. That is, women are not less criminal, nor men more criminal. Human nature is about the same, male or female.

A very large percentage of both men and women, about eighty or ninety, so far as I could determine, were in prison for offenses against property—most of them petty offenses committed in the pursuit of the necessities of life. The next largest group of the men had committed offenses against sex. While women have even greater insecurity in the struggle for existence and must meet aggravated problems in selling their labour power, they have one advantage: in addition to their labour, women have another saleable commodity—their sex. So when women are faced by the alternatives of prostitution or crime, they usually choose the former. Women are the passive and receptive in sex transgressions, men are the aggressive and active; so that women rarely come in conflict with the laws governing sex relations except for pandering or procuring women for the profession of prostitution, and these crimes are very infrequently punished by penitentiary sentences. It is also, no doubt, true that women are not punished so severely by the courts as men, and that a woman will receive a jail sentence for the same offense that will send a man to the penitentiary.

I found that many of my fellow convicts were from the old and well established profession of prostitution; but I also found that women of this profession very rarely go to the penitentiary until they are old and worn out and not longer profitable to the men who control the business of vice. The younger prostitutes were almost without exception "rebels," women who had rebelled against the political machines that controlled the vice interests of the cities in which they lived and plied their

trade. They were girls who tried to "go it alone," who refused to "line up with the gang," who rebelled against taking a politician cadet for a "protector," and who refused to "split" their earnings with cadet, police, and ward politicians.

These young courtesans who flouted the power of the men who make a business of politics and vice were frequently "sent up,"—usually, on a charge of "rolling" a customer, or shop lifting—to be "broken." And broken they were! Of all the ghastly memories I brought back from prison, none are so terrible as the breaking of these women.

Evelyn was one of these young rebels, and the memory of her breaking is still a nightmare to me. She was young and strong and obstinate, and the brutalities and horrors necessary to break her were beyond the possibilities of the human language to express or the normal mind to comprehend. But, strong and stubborn as she was, prison life broke her, and when she had been reduced to a half insane, cringing travesty on womanhood, a powerful politician of St. Louis secured her parole. I met her on the street after my release and she told me that she was plying her trade, but that she was "regular" and "split" without protest.

Evelyn's fate is a common one, I found. The young white women usually remained in prison but a short time if they were prostitutes or potential ones; they were too valuable to their cadets and the politicians to permit the prison contractor to have the cream of their lives. A certain state senator of St. Louis and a state representative of Kansas City seemed to have the power to secure pardons or paroles for these women at will.

Most of the young coloured women in the "stir" had

been convicted of "rolling." Technically this means highway robbery, but actually something else. Many white men consort with negro prostitutes and refuse to pay them. There is nothing the girl can do but wait her opportunity, and the next time the man comes to her she gives him knockout drops and takes his roll, which means all the money and valuables he may have on his person.

Of the state prisoners one was charged with forgery, two with bigamy, and one with embezzlement—enough to show that women are not given to committing crimes of skill and daring.

Perhaps the most interesting group of the women were those sent up for "eliminating undesirable husbands," as they expressed it. They were not only the most intelligent of the state prisoners, but they were the exact opposite of what one would naturally think a husband-murderer would be. They were practically all middle-aged, some quite old, and they were quiet, diffident, toil-worn women; the type that bears children uncomplainingly and endures poverty and hardship, neglect and brutality. Then, some day, there is laid upon their burden the last straw. The repressed emotions, the outraged love, the mother ferocity that makes a woman fight for her young, flame into rebellion; taut nerves snap, a man is killed, a home broken up, children scattered and branded; and a woman enters the living tomb of a prison—to be forgotten. And usually she stays there until death ends her misery. She is too old and toil-worn to be of value to the vice interests, too poor and obscure to command political influence. The prison doors close behind her—and the world forgets.

The most tragic group of all were the women convicted of killing their newborn babies—illegitimate babies, of

course. They were of two types: young mentally deficient girls, and faded, worn, love-starved spinsters. These fagged-out, love-starved women were either domestic servants from small country towns or country school teachers. They all worshipped at the shrine of respectability; they were prudish to a degree that would have been amusing had it not been so tragic; and they were all very religious.

My convict friends seemed to be a living refutation of the theory that "woman's work" is the safest of vocations, and that domestic service is the best haven for unprotected girls. About seventy per cent of the prisoners had never engaged in any sort of work but housekeeping, and there was a far greater percentage of housemaids than of women from any other vocation. There was not an actress, manicurist, chorus girl, stenographer, or artist's model,—all presumed to be particularly dangerous vocations for women. There were a number of country school teachers whose dearth of training, low wages, lack of normal social life, and miserable living conditions seemed to be quite obvious factors in their delinquency. Only three of the prisoners had received professional training: two were trained nurses, and I was a journalist. And two of the three trained women were politicals.

The federal prisoners were of somewhat different types from the state prisoners. They were as a rule from higher walks of life, better educated, and for the most part charged with crimes of skill and daring or with crimes growing out of the war. I found that our prison world had its classes, its social distinctions, and its snobberies just as the world outside has them. The common people were the state prisoners charged with the smaller offenses against property, the middle class the women who had

"eliminated undesirable husbands," the intellectuals were the Federals, and the aristocrats the politicals.

There were several federal prisoners who were really not politicals, though convicted on war-time charges. They were a fine type, well bred, well educated, and from well-to-do middle class families. The technical charge was "harbouring deserters from the U. S. Army." They were mothers, aunts, sisters, and sweethearts who had aided in some way their loved ones who had not reported for duty or had deserted after having been drafted for military service.

Two federal prisoners had embezzled post office funds, one belonged to a gang of automobile bandits who specialized in stealing narcotics, one smuggled whiskey and narcotics across the Canadian line, one was charged with white slaving, and most of the others were "dopes"—drug addicts who had been convicted of violations of the Harrison Drug Act.

The real politicals were Emma Goldman, Gabriella Antolini, Mollie Steimer, and I. There was another federal who had been convicted under the Espionage Act, but she was quite emphatic in denying that she was a political. Elizabeth Watkins was a white-haired grandmother from the hills of Kentucky, more than sixty years old, of the type of the mother of Lincoln—illiterate, gentle, kindly, harmless, and totally unable to protect herself either in court or among the brutalities of prison life. Elizabeth had remarked over the back yard fence to a neighbour woman that the Americans could not make as good dyes as the Germans; for which heinous crime she served eighteen months in prison. When I was told that she was an "Espionage" it seemed incredible. I asked her:

"Elizabeth, are you a radical?"

"No, Miss Kate; I don't reckin I know what them things air," she said.

When I tried to explain she indignantly interrupted: "Laws a massy, no! I ain't no radical. I am a Baptis' that's what I am."

"Are you a Socialist? That is a political party, you know."

"Socialist? Why, they ain't respectable; they believe in free love. My grandpoppy wuz a Dimmicrat, my daddy is a Dimmicrat, my ole man is a Dimmicrat, and I reckin I air one too," she replied.

Much has been written and said on the "woman question," but I found that the "man question" loomed largest in the lives of the women prisoners. I am quite sure that one-fourth of the women were paying the price, not for their own transgressions, but for those of the men they loved. As mothers, wives, and sweethearts they assumed the guilt of their sons, husbands, and lovers, and they served their time without a murmur. When they could be induced to talk of their cases they always said that a woman got a lighter sentence than a man and could stand prison life better.

I also found that men are much less loyal to their women in prison than women are to their men. Though a woman might be serving for a man's crime, it was rarely that the man was loyal through the ordeal. Mr. William Painter, acting warden, told me that when a man was sent to prison his woman almost never deserted him; that she haunted the office of the parole board working and pleading and making untold sacrifices to win the freedom of her loved one, and never ceased to care for his comfort. In nine cases out of ten when a woman went up—even if she were assuming the guilt of a man—the man usually left her to her fate and made little or no ef-

fort to care for her comfort in prison or to secure her release. The exceptions to this rule were usually the cadets who almost always looked after their women in prison and secured their release in due time.

VI

PRISON FOOD, CLOTHING, EDUCATION, AND RECREATION

Food was one of the chronic sources of bitterness and friction in the prison, and, despite all protests and public scandals concerning it, no lasting improvements have resulted. Food is of vital importance to human beings forced to do hard, wearing labour. It is understood, of course, that a prison is not a high-class hotel and that meals *de luxe* are not to be expected; but a ration that will sustain life and keep a prisoner in good physical condition is certainly necessary if any marked success is to be achieved in making the criminal a law-abiding citizen.

The prison breakfast consisted of corn syrup, bread, hash, and a dark liquid by courtesy called coffee. The menu was very rarely varied, and monotony was one of its worst faults. The bread was usually very good, the syrup seemed wholesome, but the hash was uneatable. Judging from its appearance—for I could never muster the courage to taste it—all manner of garbage went into the hash kettle. It was always stale, often rancid, and I have often watched the women who were forced to eat it remove a nicely stewed maggot from its mysterious depths. Twice a week oatmeal was served for breakfast, and in the winter months it was a godsend, for it was the only eatable food served hot. But as warm weather approached, so did the oatmeal worms; and as they were very husky

specimens, large and hairy, they had a tendency to stick in our throats, and we found it necessary to abstain from this one warm breakfast dish. At Eastertime, hard-boiled eggs were served, and at rare intervals prunes made their appearance. This never happened, however, unless the purchasing agent for the prison picked up a lot of wormy fruit unsaleable except to the prison and, naturally, very cheap.

Lunch consisted of beef stew, a vegetable, bread, and water. Now and then "wienies" and mutton stew were served instead of beef stew, and on a few occasions we had liver and onions. The beef stew was usually fairly good, the "wienies" of very poor quality and always more or less tainted, and the mutton stew was rank beyond expression.

Supper consisted of bread and corn syrup, sometimes a stewed fruit, always well seasoned with worms, on rare occasions pea soup, and the so-called coffee. A very small portion of skimmed milk was also served each day, sometimes at breakfast and sometimes at supper.

The women's complaint against the food was that it was insufficient, deadly monotonous, of poor quality, and improperly prepared and served. In the fourteen months which I served in prison the diet never varied, and disgust at its monotony added to its unpalatableness. Our food was prepared by men convicts, who, of course, were harried, unpaid, sullen workers, possibly all in as bad condition from venereal diseases as the women who worked in the dining-room.

The oatmeal and fruit were infested with worms, the macaroni filled with bugs, the beans inhabited by weevils, and the corn meal supported a thriving population of meal-worms. Such foods can be purchased cheaply, for they are unsaleable except to public institutions managed

by politicians; and naturally prison officials are not fussy about a few bugs and worms more or less when profits are to be considered. These conditions, I think, are common to most prisons and to other institutions politically controlled. So we were served with food containing all sorts of small life, possibly not dangerous, but certainly most revolting.

Another source of bitterness was the fact that a splendid herd of Jersey cows was on the prison farm, and fine, rich, creamy milk was sent in every day. The management will tell you that this milk is used by the hospital in the men's wing and by the women convicts. I do not know how much of the milk reaches the men's hospital, but I saw what happened to it when it came to the women's wing. The milk stopped downstairs in the matron's apartments. Every bit of cream was skimmed off, and churned into butter by women convicts who told me that the butter was sold by the matron for her private profit. The women received only the skimmed milk. No butter fat and not a grain of sugar was provided in the diet.

The food, apparently, was purchased and served with no knowledge or concern regarding its nutritive value. Seemingly the one thing considered was the cheapness with which it could be secured. Legislative appropriations do not always provide a sufficient sum for adequately feeding prisoners and it would seem that even these insufficient funds are reduced through the ever-present temptation to dishonest officials to add to their disgracefully small salaries by petty graft.

The food situation was made bearable by permitting the women to receive packages of food from friends outside and by permitting the women to purchase groceries through the matron; we could purchase any food that did not require cooking, and could carry boiling water

to our cells, so we soon became experts in heating canned foods and could make tea, cocoa and coffee, beside many toothsome salads. I received from friends all over the country far more food than I could use and I used the surplus feeding the women who were ill.

My husband had arranged with a local grocer to send the food I ordered weekly on charge account, and I found that the groceries purchased through the matron cost the women forty per cent more than mine. On the men's side there was a commissary run by a "lifer," where the men convicts got their supplies at moderate prices, but the women were compelled to buy through the matron. This discrimination naturally created great resentment against her.

The privilege of buying food outside the prison, while it adds to the comfort of the favoured ones who have money, is responsible for many abuses. When the women are permitted to purchase food, the temptation for the officials to cut down the rations both in quantity and quality is great. Thus the maintenance of the prisoner is shifted from the prison officials to the prisoner's family, who can ill afford it. The women who were better nourished because they had outside sources of food supply had a great advantage over the undernourished women in physical stamina and emotional control, and this fact was not taken into account in demanding the task. The fact that women with outside means were well fed, whereas the women, no more guilty, who were without funds were enduring a process of slow starvation, created a dangerous bitterness and a social grudge.

The kitchen was in the men's wing, something like three blocks from our dining room. Our food was cooked early in the day and sent over as soon as prepared, and usually our dinners arrived about nine-thirty or ten o'clock in the

morning and stood uncovered in the shop until stone cold and covered with shop dust, lint, and ravellings. I made many protests against this practice, and several times it was remedied for a short time, but always the old condition returned.

The natural result of these conditions was that our prison feeding became a process of slow starvation, in which the women prisoners—and I presume the same was true of the men—suffered all the pangs of death by hunger, but never knew the blessed relief of death.

The most galling bitterness, the most corroding and socially dangerous sense of injustice, is bred in the soul of a hungry convict by the fact that he knows he is performing forced labour whose value is far beyond the cost of his maintenance, and that even the insufficient sum appropriated for his food is misused, or stolen, and he is robbed of his hard earned and lawful ration.

I really do not believe that prisons will ever be able to reform hungry convicts. In fact, I think it is impossible to find decent, socially-minded people anywhere whose stomachs are clamouring for food. In my long career as daughter, wife and mother, I have learned that no male—or female, for that matter—is really civilized when hungry. The only way to live in approximate comfort with the human being is to feed the brute.

The average person who has lived a fairly normal life has no conception of what it means to be always hungry, hungry for days and weeks and years, and never to know the well-being that comes from being well fed. It was not until I went to prison that I knew what constant and long-continued hunger meant. It was not until I experienced it that I realized its mental, physical, and spiritual effects. And I was far more fortunate than most prisoners. I had money to buy what I wanted, and

friends and comrades all over the country sent me luxuries of every sort. But I was never able to achieve a balanced ration; my civilized stomach was always affronted by cold food; and the sights and sounds and smells of prison never lost their disastrous effect on appetite and digestion.

An interesting incident illustrates the domination of foods over the human ego. A friend sent me *Raymond*, by Sir Oliver Lodge. We had read and discussed the book and were most impressed by the fact of Raymond's insistence that, when we reach the other side after death, any sort of food which the newly arrived soul wishes is provided. I was very ill with the flu and suffered the usual pain and discomfort as long as the fever raged. My fever dropped very suddenly, leaving me perfectly comfortable. When I awoke from my first comfortable nap I felt so cozy and free from pain that I was quite sure I was dead and wakening on the other side. My first thought was of *Raymond*, and I decided to go out and locate some Heavenly broiled bacon and fried potatoes. I was not concerned about the streets of gold or the sort of harp I was to play, but I did want a good Southern breakfast.

The prison dress in our prisons reflects the old idea that in order to make bad people good it is necessary to make them as uncomfortable and ugly as possible. Knit underwear is so common, and has been for so many years, that it seems incredible that any institution should be so benighted as not to use it; but its use had not penetrated the prison walls. When I was "dressed in," all of my own clothing was taken from me, and I was supplied with two each of drawers, chemises, and night gowns, made of the stiffest, coarsest, most raspy sort of brown muslin. I had never seen this "opossum skin" muslin (as it is called

in the South) used for garments—only for awnings or tent flys. It was unbearably hot in summer and just as unbearably cold in winter, and it was so stiff and heavy that with only two garments, one laundered each week, a decent degree of bodily cleanliness was impossible. Our work dresses were made of what down South is called "nigger hickory shirting," a material now used for rough work blouses. It was "logwood" blue when new, but soon faded to a nondescript grey and shrank from washing until it was thick and stiff as a board.

Modesty was a painful disease with the matrons, and our chemises and dresses were made long and wide, the chemises in the mode of 1850 and the dresses in that of 1890. They were made long and wide to allow for shrinkage, and they fitted us like a circus tent draped about the center pole. Our Sunday dresses were made of a fair quality of blue gingham of the vintage of 1910, and they were really not obnoxious. We were supplied with one pair of cheap convict-made shoes that no ordinary human foot could endure, and one pair of cheap cotton stockings a year. Stockings were a source of a great deal of friction and caused many punishments to be inflicted. When a woman was "dressed in" she was given six pairs of stockings. She put on one and went to the shop to work; and the stool pigeon who carried the key to the cells stole the other five, which were again issued. An eternal squabble went on over this practice.

When it came to the problem of having my clothing laundered I found another revolting feature of prison life. The laundry in the female wing of the Missouri State Penitentiary has just the same equipment that our grandmothers used, and no more. There was neither washing machine, wringer, nor steam chest for disinfecting. The

convicts who worked in the laundry used wood tubs and washboards and wrung our circus tent chemises and dresses by hand. Only half enough soap was supplied to wash our clothing properly, and the garments soon assumed the appearance of badly-cared-for scrub cloths. No effort was made to separate the clothing of the clean women from those of the women infected with tuberculosis and venereal diseases. They were all washed together without sufficient soap and hot water and with no disinfectants, and naturally they came back to us reeking with disease germs.

There were no provisions in our prison for educational or vocational training. The women, at the expiration of their sentences, go out not only worn to physical depletion, but as illiterate and untrained as they entered. I found that about twenty per cent could neither read nor write, and with few exceptions the others had not finished the grade schools. Only three of the women, aside from the politicals, had entered high school, and only one had finished.

At the time I entered, no library facilities were provided for the women. They were entirely without reading matter except what they could purchase, and where the food problem was so pressing it was natural that what little money they could secure should go to feed their stomachs and not their minds. I made a row about the lack of reading matter and finally secured permission for the women to have one book a week from the library on the men's side. This library is old and almost worthless for educational purposes. The non-fiction includes little of value except a few fairly good but very old histories of the United States. The fiction was of the lightest and least educational sort, but in spite of its limitations the

library privileges were a great comfort to the women and relieved the monotony of the long hours spent locked in the cells.

A few weeks after I entered I sent a formal request to Mr. W. R. Painter, chairman of the prison board, asking permission to open a night school. One of the girls who had finished the grade school offered to teach the beginners, and I tendered my services to teach the more advanced. The women were pathetically eager for the opportunity to attend school, but the prison board ignored the request, and the prison still has no school for the women prisoners. The work which the women do has no educational value and will not in the least help them to adjust themselves and their lives to accepted social standards.

One of the things which make adjustment almost impossible for the convict released after serving a prison sentence of any length is the complete suppression of initiative on the part of the prisoner. He is not permitted to think, or plan, or act for himself in even the most trivial matters. We employed in our home as a housemaid a woman who had served five years in the Missouri State Penitentiary. We found that, while she was eager and willing to work, her initiative had been so completely destroyed that the simplest tasks were beyond her unless some one followed her about continually to give endless directions. For five years this woman had moved like an automaton, always under rasping orders and never permitted to have the slightest control over her actions. Naturally, when she faced the world she was unable to think or act on her own initiative—incapable of doing the common, ordinary work of life.

The women were as ruthlessly dominated in their mental and spiritual lives as in their physical. Many of them had lost relatives in the World War, and when Me-

morial Day came it was a day of deep meaning to them. Several weeks before Memorial Day, 1919, a letter signed by all the inmates of the female wing was sent to the prison board asking permission to arrange and conduct a Memorial service for their loved ones who had died in the war. They wanted to arrange their programme and hold the service after work hours, but they wanted to conduct it themselves. This perfectly courteous and modest request was ignored, not even a reply being made.

At Christmas time the women again requested, this time of the matron, permission to arrange an entertainment. This request was also denied, with a vivid eruption of profanity. Later I asked the matron for permission to coach the women in the production of a little play which I had written. This was also denied. The matron gave as her reason for refusing these requests that the women were too tired after work hours to rehearse. There was logic in this position, for when the task had taken its share of human energy, there was little left for life and mental growth.

I thought a series of simple lectures on psychology would be interesting and possibly helpful to the prisoners. On Christmas Day, 1919, Governor Gardner and all the prison officials visited us, and I personally requested permission to do this work. This request was denied also. In the minds of all the prison officials with whom I came in contact, there was a marked antipathy to any sort of educational work among the prisoners, and seemingly a firm and deep-rooted conviction that ignorance in the prisoners is to be desired and maintained.

But, while all education that might be helpful and possibly curative was relentlessly shut out, education in the ways of vice and crime and degeneracy flourished. I found learning the prison argot more interesting than

any high school teacher ever made Latin. My vocabulary of profanity is rich and varied, and I am sure that I know a greater variety of cuss words, and more dynamic combinations of them, than any student of philology in the country. I also know the best methods of "raising a bill," "fixing a check," "passing the queer," and "frisking the molls." I have all the latest ideas in shop lifting; I know what to use in the way of knockout drops, and how to use it. A thorough education in sex perversions is part of the educational system of most prisons, and for the most part the underkeepers and the stool pigeons are very efficient teachers.

Our prison used the silence system, which has been discarded by most prison wardens as being antiquated, stupid, brutal, and a constant provocation for convicts to break rules and thereby cause the infliction of useless punishment. The rule forbidding conversation or communication between the convicts at any time except during the recreation hour, was very strictly and harshly enforced in the shop and dining-room, and the most terrible punishments were inflicted for its violation. The matron sat on a high platform in the shop, from which point of vantage she could see every woman in the room. This continuous espionage must have been very monotonous; so the matron kept herself awake and gratified her lust for punishment by pouncing on any woman whose lips she thought might be moving. Quite frequently the whirr of the machines, the monotony, and the fetid air of the shop would cause the matron to fall asleep; and when she woke up she always punished some one, just to prove that she could not be caught napping. In order to protect themselves as much as possible from this petty persecution the women soon formed the habit of sitting with their lips tightly drawn. The nerve strain

of this unnatural and strained position and of the continuous dread of punishment was tragic.

Some friend sent me a carton of chewing gum which I divided among the women. It proved to be a blessing, and nothing that came into the prison was more treasured. We found that while we chewed gum the matron could not decide whether we were talking or not; so we all chewed like a flock of sheep.

In the cellhouse the silence rule was the letter of the law, but it was enforced only spasmodically and at the whim and discretion of the negro stool pigeon who ruled the cellhouse twelve hours each day. The fact that the violation of the silence rule was winked at by the matrons but could be enforced by the stool pigeon gave rise to the most wretched abuses. The prisoners who, by tips and gifts and sycophancy and willingness to submit to sex perversions, had a "stand in," could talk as much as they liked; but if for any reason a prisoner got in bad with the stool pigeon, she would be brutally punished for the violation of a rule ignored for the majority. And in this, as in all other matters, the word of the ignorant, degenerate, vicious negro convict was law, and on her unsupported word the women were sent to the hole or put on bread and water in solitary confinement, for the purely mythical crime of "disturbing the cellhouse."

Our recreation there was in some instances managed with a glimmer of real intelligence, and in others with dense ignorance. Immediately after supper on Monday and Tuesday we had an hour in a moderately large courtyard surrounded by an eighteen-foot wall. Here we could move about freely under the eyes of guards, converse, sing, dance, and play games. No equipment for games was provided, but the women could have anything which they purchased or which was sent in by friends. A

phonograph sent me by relatives proved to be a never-ending source of pleasure to the women. On Wednesday after supper a young music teacher gave lessons in chorus singing. I was never able to ascertain whether this young lady was paid by the state or gave her services, but the singing was a pleasant break in the monotony of prison life. Thursday evening we cleaned our cells, and Friday evening was bath night.

The work was so arranged that the women made the work required for Saturday afternoon during the other week days, and we did not return to the shop after luncheon. During the summer months the women were taken in trucks every Saturday afternoon to a state-owned park some two or three miles from the prison. There was a beautiful dancing pavilion, the band from the men's side played for us, and we danced and sang and walked about in the sunshine and fresh air. These picnics were very enjoyable, and the women prized them more than almost anything else. During the winter we were taken to the large assembly hall on the men's side for a movie show on Saturday and Sunday afternoons. On Sunday morning we had an hour in the yard, and after chapel services another.

VII

TASK AND PUNISHMENT

In the studies which I was able to make of the small portion of our criminal population which lands in prison, I found the prison officials and their methods quite as interesting as the prisoners, and perhaps more dangerous to society.

The Missouri State Penitentiary, at the time I was there, was under the management of the State Board of Control, composed of William R. Painter, J. Kelly Poole, and Henry Andrae. This prison was not only a great penal institution, but it was also a great industrial plant which, during the year I was there, employed 2600 inmates. The business men of Jefferson City advertised $7,000,000 annual sales of manufactured products, substantially all of which were wholly or partly manufactured in the prison. The state received, during 1919, $1,087,663 for this labour.

It is one of the tragi-comedies of our political system that this great industrial plant, transacting such an enormous business, and this penal institution, having the power of life and death over thousands of human beings, should be placed in the hands and under the unsupervised control of laymen; a country editor, a mule buyer, and a livery stable keeper. The mule buyer and the livery stable keeper were somewhat below the general average of their vocations in education, business ability, and general culture. The small-town politician editor was

just the ordinary man of his environment and trade, but much hardened by long connection with one of the most sordid and corrupt political machines to be found anywhere in the United States.

It is but natural that an institution managed by a mule buyer and a livery stable keeper, with its main objective to make the largest possible profit for a politician contractor, should give its inmates about the same care as mules in a livery stable. All these men were blissfully ignorant of penology, criminology, and psychology. I remarked to one of them one day that, if the young brute overseer who had charge of the women were replaced by an older man who knew something of production efficiency methods and human psychology, things would go more smoothly. He stared at me blankly and said: "I don't reckin we need any of them new-fangled things here. A good hickory club and the hole will fix 'em." I am quite sure that that fairly typical prison official had not a glimmer of understanding of the words used or of their application to his duties. He did not know whether I was suggesting a new brand of religion, a breakfast food, or a corn cure.

I found that, under the guise of punishment for crime and in the name of reformation of criminals, a tremendously profitable form of chattel slavery has grown up in this country. When I reached prison I found that for all practical purposes, I had been converted by the United States Department of Justice into a chattel slave. The process whereby the Department of Justice supplies chattel slaves is very simple. Our government maintains prisons to care for none of its female prisoners and for only a fraction of its male prisoners. At stated times the Superintendent of Federal Prisons sends out letters to the wardens and prison boards of state penitentiaries

asking for bids for the care of male and female prisoners. A prison, like the Women's Reformatory of Massachusetts, which cares for its prisoners in something approaching a civilized manner, and which does not indulge in the convict leasing system or the task system, bids twenty-five dollars a month. The Missouri State Penitentiary bids eighteen dollars a month.

Federal law absolutely forbids the working of federal prisoners under contract or under the task system. This means nothing to the State of Missouri—and I was sold to its prison board.

The Missouri Prison Board in turn sold me for nine hours each day to the Oberman Manufacturing Company, who manufacture overalls. The state of Missouri is forbidden by law to sell its convicts to contractors of convict labour, and I do not know the details of the evasion or violation of this law. I know only that it is evaded or violated, or both. I also know that the Oberman Manufacturing Company made garments that bore the label of reputable firms located in states which have laws forbidding the sale of convict-made goods.

The government pays for the maintenance of the prisoners, so the profit on the labour of the federal convict is what thieves call "velvet."

Possibly this "velvet" softens the shock of prison brutalities for politicians and muffles the cries of prisoners for decency and justice.

The profits from these chattel slaves are enormous. The state provides the building, heat, light, power, and convict labour, and the contractor pays the state a pittance for the right to exploit the prisoners and the taxpayers. Every day I worked in the prison shop I earned, at non-union wages paid in the worst sweat-shops in the country, from $4.80 to $5.20 a day. I was paid fifty

cents a month the first three months, seventy-five cents a month the next three months, and one dollar a month thereafter. I earned about $1800 at ordinary wages, making unionalls. I was paid $10.50 for this work, and all the difference between the wealth I created and the pittance paid me went, not into the treasury of the nation I was presumed to have injured, not into the treasury of the state of Missouri, but into the pockets of the prison contractor as profits. If the profit on the labour of each convict is only $1000 a year, the profits on many thousands of convicts explain why politicians are so universally in favour of our present prison system. There is a law on the statute books of Missouri that all convicts employed at gainful labour shall be paid in cash five per cent of the value of their labour. But this law, too, is evaded, and the prison management unlawfully robbed me of even the five per cent of my earnings which the law says shall be paid the convict.

I know from actual experience that the only differences between a woman federal prisoner and Cassie on the plantation of Simon Legree before the Civil War, were that Cassie was sold to the highest bidder, whereas we were sold to the lowest. Cassie also had a market value which made her master give her the sort of life that would not lower her selling price. I had no market value, and these politicians had but one incentive—that of transforming into profits every particle of my life during the months or years that they held me as a chattel slave.

When I entered the shop on the second day of my imprisonment I found it a long, narrow room with windows on one side, high against the ceiling. A double row of power machines occupied most of the floor space, and here the so-called able bodied women were engaged in

making suspenders for overalls and finishing denim jumpers and jackets for unionalls. The shop is in one of the older buildings of the prison plant, and the ventilation at the time I entered was frightful. The windows were all half size, eight feet from the floor, and on one side of the room only, so that it was impossible to secure direct ventilation.

A door in one end of the shop opened into our walled courtyard, and the architect had placed a window in the other end overlooking the men's recreation yard. These were intended to provide direct ventilation through the shop, but there was a legend that once upon a time a female convict had smiled upon a male convict from that window, and rampant virtue had been so outraged that the window had been nailed down and painted over. Electric lights were necessary on the brightest days. The lighting system was old, inadequate, and badly placed; and naturally the eyestrain was terrible.

Four ancient electric fans were grouped about the matron's perch in the corner of the room, but the larger part of the room was frightfully hot and stifling with vitiated air. Because of the protest I made, a hole was cut in the useless window and an electric fan placed in the opening. This was a great improvement, but it left the ventilation far from satisfactory.

The power sewing machines were old and in bad repair, a constant source of trouble to the women and a fruitful cause for punishment at the hands of the young overseer, who found it easier to punish the women than to repair the machines.

This is one of the few prisons in the country where the task system is still used. Practically all modern penologists now agree that the task is an indefensible, antiquated, and brutal method of forcing convict labour

to produce profits for politicians. I found that just as soon as I came into contact with the task system I had been thrown back to the condition of a negro slave on a plantation in Dixie before the Civil War. The black woman on the plantation was given a cotton sack and told she must do her task of picking cotton each day. If she failed to do her task she was punished by a slave driver hired for that purpose. I was given a power sewing machine in an overall factory, and I faced the same conditions.

My first task was to hem both sides and the bottoms of fifty-five blue denim jumpers each day, and make and attach the collars. Later I was transferred to more difficult work requiring a higher degree of skill—it consisted of finishing eighty-eight unionall jackets—and this task I continued to do the entire time of my imprisonment.

Each one of those eighty-eight jackets required fifteen different operations, four being expert stitching of collar edges, done on a machine making 3500 stitches a minute. The amount of energy required to do this task was beyond belief. Each new woman entering the shop was assumed to have sixty days to learn the work and to acquire the skill and speed to make the task; but the entire control of the women and of their work was in the hands of this young overseer, and the assumption was far from being true.

Many aspects of prison life were hard to bear, but the most galling was this shop overseer. He was an ignorant, illiterate, uncouth stripling about twenty years of age. He had entered the prison shop at fourteen as an errand boy for the contractor, and he had spent the formative period of his life amid the abnormalities and

ever-present brutalities of the contract system of convict labour. Unlimited and despotic power always breeds abuses; and this callow adolescent officer was given the power of life and death over all the women convicts in the shop. He was coarse, vulgar, egotistical, bigoted, intolerant, and a sadist. In the prison shop his word was law, and any woman could be made the victim of his vicious temper and uncurbed brutality. His vocabulary was rich in unspeakably vile epithets and lurid profanity, and his favorite pastime was subjecting the women to his degenerate vulgarity, which they of course dared not resent. Day after day I sat in suppressed and impotent rage and heard this degenerate stripling use, to helpless women, language that the average normal person cannot imagine.

But vile language, bad as it is, was one of the minor abuses of this overseer. He had the power of enforcing the task, and he counted the jackets; at any time he could simply say there were not enough, and the women were punished without an opportunity to prove that they had produced the required number. The number of jackets which we could make in a day depended on the size and the weight of the goods. We had the privilege of being credited on the books with all we made over the task when we were making small sizes and using light material. We then used these credits to make out our task when we worked on large sizes and heavy material. At any time when this youth felt out of temper he would mark the women's credits off the book and punish them for "short work." He was also the sole judge of the quality of the work, and if for any reason his vicious temper was ruffled, he would go down the line of machines, ripping and destroying the work without reason or mercy.

The women would then be forced to remake the ripped-up work in addition to their tasks, and then be sent to the hole for bad work.

This overseer had received orders from the warden that I should not be physically punished for failure to make the task; but when I did fail he would punish me by sending to the hole some woman or girl in whom I was interested.

I had fourteen months in which to endure the task system myself and to study it in relation to other women. I found that the task had been placed at the extreme limit of the strongest and most expert woman's skill and endurance. That meant that the majority of the women never could make the task regularly and were always at the mercy of this overseer. His theory was that a woman, if driven hard enough and treated brutally enough, would "pull the task"; so he drove and bullied, cursed and blackguarded, harried and punished until the women made the task, or were utterly wrecked by the punishments inflicted. I could never decide whether it was chance or a well-thought-out plan that made the task consume a woman's life in the average length of a prison sentence. It was in reality the effect of the task system. The average length of time served is about two years, and the amount of labour demanded was just about enough to wear a woman out physically and send her back to society fit only for the human scrap-heap or the potter's field. The long-term women were put into the shop for about two years; then, when the physical break came, they were transferred to lighter work in the dining-room or some other maintenance labour, and the newly-received women took their places at the machines.

In theory the working day was nine hours, but very few of the women could make the task in that time, and

the majority of them were forced to take work to their cells to finish. Most of the women spent from one to two hours each day, after being locked into their cells, turning collars or snipping thread ends from suspenders.

Practically all the products of the prison shops go into the market, not only in competition with free labour and legitimate capital, but also under false and misleading labels; much of it is sold in violation of state laws. The first label which I ever stitched into a garment bore the name of the Sibley-Hess Company of Sioux City, Iowa, and there was nothing to indicate that it had been made in a prison workshop by convict labour. I understand that in a large portion of the trade territory covered by this company it is a violation of state laws to sell convict-made goods without a distinguishing label. Most of the labels which I sewed into my work read "Made by—" (the name of a firm hundreds or thousands of miles away). One of them always struck me as being a cynical joke. It was the label of the Lincoln Jobbing Company of Lincoln, Illinois. It read: "Lincoln was true to his country, we are true to our trade." Another label that was of particular interest to me was that of Smith, Follet, and Crowel of Fargo, North Dakota. Smith of this firm was the jury commissioner who so carefully handpicked the jury panel from which the jury in my case was chosen.

There is always a bitter war being waged upon convict-made goods, both by free labour, and by reputable manufacturers, because of its anti-social effects. The system used in Jefferson City was merely a very thinly disguised form of contract convict labour at its worst. It is a lawless, anti-social effort to defraud and debauch the citizens of the state, to enslave and exploit the convicts; and it is a vicious, dishonest makeshift in every

way. It corrupts elected officials, the prison staff, and the prisoners; and it produces among legislators, prison officials, and convicts a mental atmosphere of cynicism and a state of moral degeneration.

Our entire penal system is based on the theory that punishment will have a tendency to make good people out of bad people; and at the Missouri State Penitentiary punishments were the very foundation stones of the whole system of management. And it was in the administration of punishments that the very soul of the prison system was manifest and the fundamental causes of prison abuses laid bare.

At the very heart of the whole problem of prison brutality is the ever-present and age-old problem of the exploitation of human labour and of the profits accruing from it. In the letter of the law the contract convict labour system may have been abolished in Missouri, but the practice of it still survives, and seventy-five per cent of the punishments administered were to the end of protecting the profits of the prison contractor, the other twenty-five per cent were for the protection and furtherance of the petty grafts of the under officials. In the fourteen months spent in prison I saw all manner of punishments and sickening brutalities; and in every instance except one the fact that profits were threatened was the cause of the punishment.

The task was set for the women in the Missouri prison by a prison contractor in the old days when contract convict labour was permitted by both the letter and the spirit of the law, and that same task prevailed during my imprisonment. It was as rigid as the laws of the Medes and Persians, and in exacting it absolutely no consideration was given to the age, the mental or physical condition, the previous training, or the industrial

efficiency or aptitude of the individual woman. Women as old as fifty-five and girls who seemed mere children, cripples and mental defectives, consumptives and syphilitics, all were subject to the same task and suffered the same punishments if they failed to produce the required amount of profit for the contractors.

A shop matron nominally in charge of women should have acted as a means of protection; but quite an extraordinary condition really prevailed. This matron was an elderly spinster who had lived a drab and sadly starved life; and, as is not at all unusual for love-starved and elderly spinsters, she was in the grip of an obsessing infatuation for the young foreman. Naturally, under those conditions she was putty in his hands, and no matter how stupid or unjust, how cruel and inhuman the punishment he assessed, she was quite sure that he could do no wrong. His merest whim was law. And from this law there was no appeal. No woman ever dared oppose in the slightest degree any act of the youthful foreman, or suggest that he might be in the wrong. I tried it just once, and called down upon my head such a wild tirade of abuse as could only come from a madly infatuated woman in defense of the man she loved. This matter of an elderly spinster's frost-bitten and belated romance may savour a trifle of comedy; but to these women it was a tragedy of far-reaching social consequences.

The lightest punishment for failure to make the task was to be sent to the cell after work hours, being deprived of letters, recreation, and all communication with other inmates. If this did not bring the required amount of product, the convict was sent to the cell on Saturday at noon, sometimes without dinner, fed on two very tiny slices of bread and water, and denied all privileges until

Monday morning. If the task were still not forthcoming, the woman was put in the hole.

While in the hole the women were given two very thin slices of bread, about two by four inches in size, each day, and about half a teacup full of water. This was the only food and drink permitted, and if any of the other convicts were detected giving additional food or water to a woman in the hole, they were severely punished. The women were kept in the hole from two to fifteen days. That is, fifteen days was the limit of punishment administered while I was in prison, but before my advent there had been no limit, so the older inmates told me.

There is a tragic story, which I have substantiated by living witnesses, of a certain Minnie Eddy, sent to the prison from Kansas City, who was totally unable to make the task and who was punished again and again, finally spending twenty-one days in the hole on bread and water. She was taken out barely alive and permitted to gorge on the coarse prison food; and she died the next day, of what the woman who nursed her told me was a perforated intestine.

The first cell which I occupied was directly across the narrow corridor from the hole, and I was an eye witness to certain instances of brutality. A young coloured girl, quite plainly demented, threw a pail of hot water on another woman who she thought was tormenting her. One of the male guards, whom the women called "The Gorilla"—and this name was most apt—beat the cowering, pleading dement with his maul-like fists as she staggered down the corridor; then the handcuffs were placed on her wrist, passed through the bars in the blind cell doors, and snapped on the other wrist. The bridle, a sort of gag which I never had opportunity to examine closely, was placed in her mouth to prevent her scream-

ing, and she stayed there ringed and bridled from early in the afternoon until about nine at night. She was taken down just before the lights were out for the night, and so far as I know was not hung up again. She, however, spent fifteen days in the hole; then she was kept locked in her cell, absolutely without outdoor exercise or any privileges except during the hours spent in the shop, for three months. In other instances I heard the blows and the cries and pleadings of inmates while they were being beaten by guards and matrons; but I did not see these brutalities, because they were out of my range of vision.

The most demoralizing effects of punishment in the "black hole" are those of which it is almost impossible to write printably. Nine-tenths of all the punishments for short work and bad work (and the latter is a mythical term which covers everything from faulty material and bad cutting to the foreman's dyspepsia and diabolical temper) were meted out to the women during the periods when their physical and mental strength was at its lowest ebb because of the physical handicaps peculiar to women. During these periods of physical and mental depression—and in prison these conditions are morbidly exaggerated—the women are naturally inefficient, nervous, and irritable. The task at such times is utterly impossible; and, though I am unusually strong and have remarkable endurance, I was never able to accomplish it during these periods. The time when the women should have received rational, intelligent care and decent treatment, freed from the nerve-racking grind of a slavish task, was the very time when they were stupidly and inhumanely thrown into the black hole to lie for days on an ice-cold cement floor where congestion, pneumonia, and consumption always lay in wait for their helpless victims.

In the maddening solitude of the fetid darkness and the

dragging monotony there was only one emotional outlet for many of these women, and that was solitary vice. As a result, when the women came out of the hole they were almost always polluted, pallid, disheveled creatures with the appearance of having escaped from the foulest pit of the most orthodox hell.

It is a stark, ugly fact that homosexuality exists in every prison and must ever be one of the sinister facts of our penal system. In the Missouri State Penitentiary it is, next to the task, the dominating feature of prison life and a regular source of revenue to favoured stool pigeons. There seems to be considerable ground for the commonly accepted belief of the prison inmates that much of its graft and profits may percolate upward to the under officials. The negress trusty or stool pigeon, who had absolute control of the women's cell building and all its inmates from six in the evening until six in the morning, handled the details of pandering to the homosexual vices so rampant in the prison, and there was a regular scale of charges for permitting the inmates to indulge. The charge for the use of a pervert was usually fifty cents, and the charge for having the cell door left open at night by the stool pigeon was one dollar. In fact, homosexuality was not only permitted by this trusty, but indulgence was actively fostered by this coloured murderess, and, in the cases of young, helpless, and unprotected women actually demanded and enforced. In two or three instances at least I managed to have young and unperverted girls moved into cells near mine, where I could protect them from the demands made by the trusty that they submit to vicious practices.

Because this stool pigeon had sole charge of the cell house and of the lives of the women at night; because her word was always and unquestionably accepted without

investigation by the matrons; because she, in fact, held the power of life and death over us, by being able to secure endless punishments in the blind cell, she could and did compel indulgence in this vice in order that its profits might be secured.

Another concession held by this negress was that of the sale of tobacco. Among the women of the underworld as well as among those of the upper crust, cigarette smoking is almost universal. The prison rules forbid cigarettes, but their use is general. It was an open secret that this rule was not to be enforced as long as the women secured their cigarettes from the proper source, which, of course, was the stool pigeon. No one in constant contact with the women, as the matrons were, could possibly be ignorant of the fact that ninety per cent of the woman smoked; the yellow-stained fingers and the smoke-laden air of the cell house loudly proclaimed it, and no punishments were ever administered during my time for smoking. But the most terrible punishments were administered for securing tobacco on which the stool pigeon did not secure her profits. For instance, Dora Campbell, a federal prisoner from Mississippi, convicted of harbouring a deserter from the U. S. Army, was sent to the hole while ill, stayed there for a number of days—in fact, until some of the women secretly complained to the prison physician—and was taken out with a well-advanced case of pneumonia from which she never entirely recovered while in prison. Dora Campbell had secured a sack of tobacco without purchasing it from the trusty. And the trusty's profits would have turned the most patriotic war profiteer green with envy. The stool pigeon received for a ten-cent sack of Bull Durham two dollars, for a book of cigarette papers fifty cents, and matches she retailed at three for a dime. There never seemed to be the slightest limit

to the supply of tobacco, which the stool pigeon was able to secure, and as long as the women secured their supply from her they were safe; but if there was the slightest suspicion that they were securing contraband goods, the punishment which this vicious negress could and did secure for the offenders were soul-sickening.

This same stool pigeon had complete control of all the women who were ill; and, since many of them were federal prisoners convicted under the Harrison Drug Act, and of course drug addicts, the punishments which she was permitted to inflict makes one doubt our claim to being a civilized nation. When drug addicts enter Jefferson City, absolutely all drugs are taken from them and they are left to "kick off the habit," as they say, without treatment or assistance. Naturally, their sufferings are frightful, and quite as naturally they are noisy and troublesome. The stool pigeon uses any method she sees fit to quiet and subdue these half-demented creatures undergoing the most frightful tortures because of the sudden cessation of their accustomed narcotics.

One instance stands out with glaring vividness in my memory. Pearl Hall, an elderly drug addict who had used narcotics for more than twenty years, was sent up from Little Rock, Arkansas. She was in very bad physical condition, and when all narcotics were taken from her she moaned and raved continually. The stool pigeon and another convict quite as brutal ducked the poor insane old creature in a bath tub filled with ice water until she was too weak to make further outcry. She was then thrown into her cell in her wet clothing, and lay there moaning and raving until, a few days later, pneumonia ended her tortures.

Of greater moment, no doubt, than the outrages of physical punishment upon physical bodies is the distress-

ing and degenerating punishments inflicted upon mind and soul. Any woman having self-respect, initiative, will-power, and intelligence was hated and feared as small, brutal, despotic minds always hate those qualities which they know they cannot dominate, and no form of punishment, physical or mental, that might have a tendency to break these dangerous convicts was ever overlooked. Laughter, love, and kindness are the three most heinous crimes possible to a convict, and they were punished with the utmost severity. In all the fourteen months I spent in prison I never heard an inmate addressed courteously; never heard one single kind, encouraging, or helpful word from the petty officials with whom we were in constant contact. One of my most horrible memories is that of the voices of our keepers. They never spoke to us as normal human beings speak; they either snarled at us, cursed us, or screeched at us, and those snarling, rasping, hateful voices still haunt my dreams.

I feel absolutely positive that no perfectly normal person can endure the life of an under-prison official, and that a psychopathic survey of the Missouri prison will prove that practically all of the guards and petty officials, and possibly some of the higher ones as well, are sadistic to a marked degree. I know that it was always the timid, shrinking women who blushed scarlet at a sneer and gave outward evidence of mental torture, who were punished most often and most severely.

What is designated as the "merit system" is used in the Missouri State Penitentiary, and the federal prisoners receive the disadvantages of it, but none of the advantages. On entering one is placed in C class; this permits the usual privileges and permission to write one letter each week, and to receive fifty cents a month as pay. If an inmate is perfect in production and deportment for

three months, she is promoted to B class and allowed two letters each week and seventy-five cents a month. Three months more perfect record advances the inmate to A class, in which three letters each week are permitted and the salary is one dollar a month. Three months' perfect record is necessary for promotion to a higher class; but one punishment, either for an alleged infraction of the rules or for short work or bad work in the shop, is sufficient for demotion. The state prisoners are given what is called "good time" in addition. The C class prisoners get the usual one-fourth off for good time; B class prisoners get an additional five days' good time each month; and the A class prisoners ten days a month. This good time for higher classes is not given federals. The woman who cannot make the task or is punished for any cause is reduced in class. In D class, prisoners can write but one letter a month and have no Sunday recreation. In E class they write once a month, have no recreation, and lose all good time. A woman may hold her position in A or B class for a year or more, thereby earning considerable good time, but a single punishment can take it all away from her. No punishment is so dreaded by the women as losing their good time, and no abuses are so galling as the power of the shop foreman, the matrons, and the negro trusty to punish the women justly or unjustly, thereby reducing them in class and robbing them of the good time so hardly earned.

VIII

THE RELIGION OF THE CONVICT

Man seems to be an incurably religious animal, and the greater his weakness the greater his need for the sustaining support of a religion. People in prison feel, as perhaps nowhere else, their utter helplessness; and the wordless but agonized cry of their souls is for some sort of religion to which they can anchor their storm-tossed lives. Yet, almost without exception, prisoners hate the whole system of organized, orthodox religion which we speak of as the church. Their antagonism varies from bored indifference to blazing revolt, and their bitterness is deep and soul-corroding. They understand, though they may not be able to express it clearly, that the church and the law walk hand in hand, and that for the galling abuses and injustices of law and its applications the church provides a cloak of moral sanction. And they feel that the church not only condones the bitter injustices which the law lays upon the poor and helpless, but that it also ignores, if not openly upholds, the violations of law by the rich and powerful.

Convicts know, and bitterly resent the fact, that if a hungry, homeless, jobless workingman steals a few dollars' worth of food, or if a poverty-harried girl sells her body to eke out her insufficient wages, the church gives its sanction when the heavy hand of the law falls with crushing weight upon the offender. The convict does not forget that, when he is sentenced to hard labour, the prof-

its of which go into the pockets of corrupt politicians and brutal prison contractors, the church makes no protest and supports with its votes the men who grind the faces of the poor. And convicts know that when profiteers gamble on the bread of the poor and coal operators extort unholy profits from the masses, or when factory owners pay such wages as to make prostitution almost inevitable for women in industry, the church accepts these conditions as lawful, and therefore moral.

I found that the women in prison hated and resented chapel services. There were many reasons. Chapel was forced upon them, and no one relishes a religion crammed down his throat by force. The matron told me that the Protestant chaplain's salary was fifty dollars a month, living not provided. This chaplain eked out his salary by other activities. Women convicts told me that he peddled trinkets made by the inmates to prison visitors on a fifty per cent commission. He also acted as guide to parties of visitors and the women resented that their spiritual shepherd should act as showman and exhibit their shame and degradation to morbid sensation seekers. He was dismissed, so I was informed, because some genuinely Christian woman made a vigorous protest because he, while acting as guide, told her there was no task system in the prison, which she found to be untrue.

The Catholic chaplain, having a church in Jefferson City, was not dependent on the salary paid by the state; and he was much more satisfactory. He was at least well bred, cultured, and easy to look at, and he had a pleasant voice. But he too fell far short of being a real shepherd to his outcast flock, for he rarely, if ever, entered the prison between the monthly services which he conducted, and he gave the women in his care neither personal attention, comfort, nor counsel. In a measure the matron was

responsible for his neglect of duty. She hated him with venemous hatred and made his visits to the prison so uncomfortable that the poor man might be excused for forgetting his black ewes as much as possible.

The deep, bitter resentment which the women felt for the religious services held in prison was largely a consequence of their feeling that the chaplain was unfaithful to his trust and untrue to the vows of his profession. The women knew that he had been hired and paid by the state to look after their spiritual welfare and to help them, if possible, regain their self-respect and position in society, as well as to bring them the solace and comfort of religion in life's darkest hour. And they resented the fact that, except for the fifteen minutes' cut-and-dried formalism once a week, they were abandoned, neglected, and ignored.

In the months I spent in prison I saw many representatives of organized religion, but none of them ever displayed the slightest personal interest in the women prisoners. Nothing was ever done by these professional Christians to make our lot less unbearable, and not one of them ever offered a word or act of help and sympathy and comfort to the soul-sick and sorrow-laden women in prison. No matter how great the sorrow, how bitter the suffering, how terrible the tragedy that came to these social outcasts, organized Christianity passed by on the other side.

Because no man could live on the salary paid by the state to the chaplain the prison was without a regular incumbent the greater part of my time. Local clergymen were frequently secured to conduct religious services; and our experiences with volunteer chaplains were both comic and tragic. Their utter lack of any glimmer of intelligence, sympathy, or understanding of prison

problems and prisoners' psychology was tragic; many of the things which they said and did were very comical.

Almost invariably the amateur chaplains were professionally cheerful, and every prisoner detests this silly affectation. Always, I think, they started their sermons by saying: "You are fallen women, deep in sin, but God loves you still." Naturally this sort of opening salutation palled on us after we had heard it every Sunday for months. The women knew enough of life to realize that they had not so much fallen as been beaten down into the gutter by social forces too powerful to cope with, and that God, if he loved them still, had a peculiar way of expressing his love.

The women prisoners may have lacked the power to express clearly, but they felt deeply, that ruling-class religion and ruling-class law had formed a holy alliance for the administration of social vengeance, while ignoring the matter of social justice. The women felt that law and religion were smug and self-satisfied and expressed by their acts the certainty that the prison system as it exists to-day is lawful, ethical, moral, and to be maintained at any cost to the bodies, brains, and souls of the poor.

Over and over again lawyers and clergymen came to speak to us, and always they said: "It is God's will and man's law that the erring should be punished"; but, so far as I could observe, neither law nor religion was ever concerned in the least with the actual facts of punishment. Neither jurists nor clergymen seemed to concern themselves with whether or not punishment as administered behind prison walls has a tendency to reclaim the erring and place their feet upon the paths of righteousness, or whether such punishment really protects society from its anti-social members. And I have never observed

the slightest inclination on the part of law and religion to invite science to come to their assistance and aid in dealing with the problems of the socially unfit.

In the *Scientific Monthly* of November, 1919, Professor E. P. Lewis of the University of California has an article entitled "The Ethical Value of Science," in which he says:

"In the Southern states chattel slavery was regarded as having divine sanction. And any teacher or preacher who taught otherwise was ostracized or banished. For years after the Civil War this tradition survived, and I was taught, and believed, that the Abolitionists had thwarted the will of God. While still a boy various scientific books fell into my hands. Not one of them mentioned slavery, or considered ethical questions, but they quickly brought about a change in my mental attitude which caused me to see that slavery was bad—a wrong to the enslaved and evil in its effects on the slaveholders, because human experience had proven it so. Science did not flourish in the South. It is impossible to imagine that science and slavery could co-exist in the same community, but orthodox religion and classical education found nothing uncongenial in such association."

The chattel slavery of the South is gone, but the more inhuman chattel slavery of the modern convict system still exists, and, as Professor Lewis says, there is nothing uncongenial between it and orthodox religion. The modern prison with all its wrongs, vices, and abuses can still exist in perfect harmony with orthodox religion, because orthodox religion is based on the theory of eternal punishment for the erring.

Lawyers have written legal codes in the vain attempt to safeguard their own and their clients' right to live upon the labour of others, and they say: "If you transgress our codes, we will punish your body in prison."

The theologians have evolved a creed that is in perfect harmony with the legal code, and they say: "If you transgress our code and creed we will punish your body in prison while you live and punish your soul in hell after you die." So law and religion, hand in hand and in perfect accord, build stone walls and erect steel bars to shut in the transgressors of their code and creed and to shut out scientific research which might provide some light on the whys and wherefores of man's transgressions.

Six days of the week in our prison greed was the taskmaster; and, with the sanction of law and religion, greed punished, even unto death, any prisoner who failed to deliver his meed of profits to the prison contractor. And on Sunday the clergyman came and told the harried, driven slaves of the task that it was God's will and that God chasteneth whom he loveth.

One dear friend who wrote me often while I was in prison was much concerned about the spiritual welfare of myself and my family. She wrote: "I hope you pray for your children." And I replied: "Yes, I pray for my children; I pray, God help me to give my children a scientific knowledge of life in all its relations, and then I shall know peace, for I can rest assured that their religion, ethics, and morals will take care of themselves." I think it would go far in solving the vexing problems of the socially unfit if we enlarged this prayer to include the whole human race.

Next to visiting clergymen, the pet abomination of the prisoners was the professional uplifters. These are legion, and a scourge like the seven plagues. Soon after I entered the prison the good people of Jefferson City, after half a century of complete indifference, awoke to their duty to the female convicts. They became very much concerned about the bad and immoral influence

which I might have on the women. A committee of female uplifters of the most pious and godly sort were sent to the prison to warn the prisoners of the serious danger of being contaminated by the dangerous doctrines of pacifism. When the good ladies arrived we were sitting on the ground in the strip of shade cast by the high stone wall, and I was reading aloud from a book of Ella Wheeler Wilcox's poems. Somehow my evil influence was not apparent, and the only danger of contamination was from Mrs. Wilcox; but the uplifters were not to be deterred from their duties. They called the girls away and gravely warned them to beware of my influence. Sad to relate, the women were not properly impressed and expressed themselves rather freely. I noticed that things were not going smoothly and that the uplifters soon scuttled away, seemingly much disconcerted. I strolled over to a group of girls and asked why our visitors had flown. One of the women replied, "Aw, hell, the damned old hen started telling us about how dangerous you were and how much they loved us, but we mighty quick told them where to head in, and they soon got an earful and beat it." I surmise that the uplifters have been telling of this incident ever since as a horrible example of the hardened and criminal instincts of the women convicts.

I also remember another experience with an uplifter that rippled the stagnant pool of prison life. One blistering hot day the power was shut off in the shop about four o'clock, and we were ordered to line up and march to the chapel. We were all dead tired, hot, and soaked with perspiration; our hair was full of lint and our faces streaked with dye from the cheap denims on which we had been working. But, stupid and dazed as sheep, we trailed up to the chapel. There we found the warden, looking much flustered, and a beautiful and exquisitely

gowned woman. It was Maud Ballington Booth, a woman who poses as the greatest female prison reformer extant.

Mrs. Booth is a very charming woman, but if prison reform is dependent on her or on people like her, with their understanding of the fundamental problems of human delinquency—then God help all prisoners. Her saccharine sermonette was both comedy and tragedy. The comedy was in the smug conceit of her assumption that she knew all about prison life, and the tragedy was that this beautiful, cultured, seemingly intelligent woman could be so crassly ignorant of the psychology of the prisoners and the fundamental problems of prison management, so unaware of the recent developments in the fields of psychology, penology, and sociology. It was tragedy that this woman should think she was serving God by being professionally cheerful and piously uplifting. And, worst of all, she poses as an expert in prison reform, and the unthinking mass of people take her at her own estimation and let their consciences be lulled to sleep by her mawkish and baseless sentimentality.

The outrage was, that this woman who had never eaten prison bread, never slept in a vermin-infested bunk, never slaved in a prison workshop, driven to the task, never had every normal human instinct ruthlessly crushed by brutal prison discipline, should stand before us with her smirk and spray us with her maudlin, sentimental falsehoods. One moment we writhed in bitter resentment, and the next we longed to shout with laughter at her silly pretensions. Prisons are bad enough without having uplifters added to their tortures, and the prisoners are certainly justified in their active dislike of people who insist on making fools of themselves by talking of things of which they are totally ignorant. How dare any man or woman who has

never lived the life of a prison, who does not and cannot know its horrors and its brutalities, presume to hand down advice that is insult and cheer that is sacrilege?

Practically the only outlet that my prison companions could find for their resentment against the smug ignorance and self-righteous Pharisaism of the representatives of orthodox religion who came to pester us, was to invent nicknames for them. And these showed not only a sense of humour, but a shrewd knowledge of human nature. Possibly because prisoners are always hungry—hungry for food and hungry for love—every uncensored expression is framed in the symbolism of sex or food. So we had "Old Ragweed," "Rev. Apple Dumpling," "Preacher Blinky Milk," "Elder Cream Puff," "Deacon Pie-Face," "Lady Needsome," "Mrs. Dill Pickle," and "Mr. Green Apple" to uplift us.

Many sincere people feel that the resentment which prisoners feel towards the church is unfair. It may be; but—can we fairly determine this point until the church gives honest and frank answers to very pertinent questions that press heavily upon our prison population? What has organized religion done, and what is it now doing to equalize the scales of justice between the rich and the poor? How much did the church spend last year on foreign missions, and how much to study the delinquent at home and to devise methods of caring for him intelligently and humanely? What did Jesus mean when he said "Love thy neighbour" and "Feed my lambs" and "Inasmuch as ye have done it unto one of the least of these"? What has the church done to take the prisons out of politics and place them under the management of men and women who will open them to scientific research? What effort has the church made to secure the segregation of the young from the old offender, the physically

clean from the diseased, the feeble-minded and merely unfortunate from the older and more hardened criminal? Not until the church has taken a definite and effective stand on these questions can it gain or hold the respect of the very people who need the church most.

The great spiritual unrest that is challenging the church to-day all over the world is expressed in intensified form behind prison walls. In the steel-barred cells of our prisons the battle between the old orthodoxy of the church and the newer philosophy of Sir Oliver Lodge and Conan Doyle is being waged—and the new wins. The scarred, warped, exploited victims of social vengeance are not strong enough to stand alone, and they feel that the God of the Christian church feels no concern for them. They find comfort for their sick souls in the belief that their loved ones who have passed on to the Great Unknown come back to care for and comfort them. When the long, weary hours of driven labour are done, when the lights are out, when each is alone with his own soul and his sorrow, to the prisoners behind the bars the cellhouse is peopled with kindly, comforting spirits who flit about all night on errands of mercy and love.

My prison companions hated orthodox religion, but they loved Jesus. And this attitude is quite logical; for, despite all the trappings of creed and pomp and respectability with which the message of Jesus has been obscured by the church, He is still the patient shepherd of lost sheep, the forbearing master of the under dog, the understanding champion of the poor and lowly. These women were never weary of hearing the story of His life and of His tender, loving companionship for the social outcasts of his day. None of my books was more eagerly read than Bouck White's *Call of The Carpenter* and *The Love Letters of St. John.* The women found it difficult to

read Renan's *Life of Jesus*, but they loved to have me read it to them.

The women believed with implicit faith that He came and walked about the cellhouse at night, laying healing hands on fevered and pain-wracked bodies that tossed in agony on the comfortless prison bunks, locked away from all ministering hands but His. They believed unquestioningly that He came to receive the souls of those who died in prison; that it was His love that lighted the dungeon and His gentle, compassionate voice that spoke to them and made it possible to live through the horrors of the hole.

And they knew Jesus, these prison mates of mine—knew Him as only a social outcast can. And, strange to say, I came to know Him while in prison, also. As I look back over my life now, I realize that I had always sought vainly to find that soul of universal brotherhood which, for want of a better name, we call the Christ. I tried to find it in the church, in mission work, in the labour movement, and in social service; and always it evaded me. In the church I found an empty creed, in the rescue mission smug hypocrisy, in the labour movement the selfish spirit of "save ourselves," and in social service self-righteousness. One Easter day I found myself in prison because I could not give my sanction to war; and there, for the first time in my life, I felt that I could lay hold of the spirit of Christ. I felt that it would be perfectly appropriate and natural if He appeared before me and discussed sympathetically and understandingly the great problems that oppressed me. I felt that from His great experience He could teach me to unstop deaf ears, open blind eyes, heal sick souls, and bind up broken hearts. And from that day to this I have felt that Jesus and I were good friends. We have shared a common experi-

ence, and we can understand and respect each other. I know now why He avoided the organized religion of His day and chose His friends and companions from among the social outcasts and His disciples from the lowliest of the lowly. They made better friends and more faithful disciples because they had nothing to lose by associating with this dangerous agitator.

Convicts are, as a rule, deeply and passionately religious because they need religion more than other people. But theirs is not the religion of the church: it is the religion of David the outlaw minstrel and Jesus the proscript of Nazareth.

None of the women with whom I served could define very clearly her conception of God; but they thought of God as embracing all that is good, and they recognized love as the creative and regenerative force of life. They felt that what the law and the church call crime and evil are but good perverted and reversed. They felt that what we call soul is indestructible and everlasting; that it is not destroyed by death, nor can it in life be shut behind prison walls or hampered by time or space. They knew that love endureth for ever, and that it eases the weariness of driven labour, lights a prison cell with a holy radiance, and brings to the prison bed the peace that passeth understanding. They did not know the God of vengeance, the God of limitless wrath; but they did know the God of love and service and human brotherhood.

IX

CRIMES OF INDIVIDUAL AND OF STATE

There is much time for meditation in prison, and there are many things to meditate upon. One is assumed to meditate upon his sins and repent of the evil of his ways. But I was never able to regret that I had taken, and I steadfastly maintained, the position that had placed me behind prison walls. My conscience refused to smite me; so I spent most of the weary hours during which we were locked like wild animals in the fetid, disease-laden cells, in trying to fathom the mysteries of the application of law and morals. I knew prisons were institutions presumably founded and maintained by society to cure the criminal of his criminal ways and to return him to society fit to mingle with the community and share its life. But when I arrived in prison I found that society commits every crime against the convict that the criminal is being punished for having committed against society.

We send our criminals to prison to cure them of indulging in lies and fraud, and the prisoner is forced to live one long lie; he can only exist by becoming party to fraud. In the Missouri State Penitentiary the silence system is used. This means that for twenty-three hours each day all conversation and communication between the prisoners are forbidden. To the convict who is on punishment for failure to make the task, even this one hour of communication is denied. No human being can live day after

day, week after week, month after month, surrounded by human beings and shut out from communication. Deceit and lies and petty fraud were forced on the prisoners as a matter of self-preservation.

For twelve hours each day we were locked in our cells with every responsible prison employee absent and at the absolute mercy of a brutal, degenerate negro murderess—the most hated thing in prison life, a stool pigeon. Only by deceit and lies, only by submitting to the most vicious forms of bribery and blackmail, could the clean women escape having the most unspeakable forms of sex perversions forced upon them.

The first jacket I ever made in prison was a lie—one that injured every woman in the garment industry, every reputable manufacturer of overalls, and foisted a fraud upon every citizen who purchased the product of my labour. There is a deep-seated repugnance in the mind of every really normal person against wearing prison-made goods; there is a feel and smell of blood about them, discernible to the spiritual senses if not to the physical. And day after day the women were compelled to sit at the whirring machines and sew lies into garments to deceive the citizens of the country that had sent them to prison to be punished, perhaps, for committing fraud.

We send thieves to prison to teach them not to steal and rob, and all prison life is thievery and robbery—thievery not only of tangible, material wealth, but the thievery of the intangible wealth of soul and spirit. Our food and clothing were stolen from us, and we were fed on spoiled food and dressed in disease-infested rags. The cream was stolen from our milk, the sugar and butter-fat from our diet. The food supply was kept so low that the women, in order to live and make the task, were compelled to buy food outside the prison at thievish prices. Graft stole

the clothing paid for by the state, and the women were forced to beg from their friends to get underwear and stockings, as well as soap and other common decencies of life.

There is, as I have said, a state law in Missouri that the convicts shall be paid five per cent of the wage value of earnings in the workshop; and the politicians stole even this pitiful sum from the people who had been sent to prison to be cured of stealing.

Self-respect is a priceless treasure, and the state stole that from the convicts. Practically all the prisoners at Jefferson City—and all other prisons, for that matter—are members of the working class and have a strong, if rather chaotic sense of class solidarity. There is nothing more demoralizing and degenerating to a wage-worker than to be forced to be a "scab"—to betray his class and drag other workers down into poverty. And in no other way, perhaps, were the women's better instincts more outraged than in this enforced scabbery. Every hour we worked in the prison workshop, we were robbed of our right to be loyal to our class, and the despotic power of society was used to force us to betray our fellow workers.

And we were not only forced to scab on our fellow workers; but we, and the state of Missouri with us, scabbed on every reputable garment manufacturer in the country. The Oberman Manufacturing Company, through its political pull, secured rent, heat, light, power, and labour at a fraction of their legitimate cost and sold its fraudulently labelled goods in the open market in competition with all goods made under normal conditions.

We send people to prison to punish them for crimes against the person; and the prison commits more atrocious crimes against the persons of the convicts than the

convicts were convicted of committing. I am quite sure no convict ever committed a crime as dangerous to society as the United States Department of Justice committed by sending women prisoners to Jefferson City.

I am not protesting for myself. I deal only with women more helpless and sinned against than I. For at least I was a woman of mature years, fairly intelligent and educated; I knew the dangers of infection and how to protect myself as far as possible, and I had enough social and political backing to protect me to a certain extent—the prison officials were afraid to commit the same crimes against me that they visited upon the more helpless. Of the political prisoners Gabriella Antolini and Mollie Steimer were both clean, pure children, as innocent and ignorant of vice as five-year-old babies; yet they were thrown into this disease-ridden pesthole and forced to live where mental, moral, and physical contamination was almost unavoidable. I have often wondered whose crime was blackest—that of Peggy, who was in Jefferson for white slaving, or that of the United States Department of Justice, which put Gabriella and Mollie where escape from sex perversion was very difficult.

We send people to prison for murder; yet our prison system kills more human beings each year than are murdered by individuals. Individual murderers kill the bodies of their victims, and society is rid of them; but prisons kill the brains and souls of their victims, maim their bodies, infect them with loathsome diseases, and then send them forth to prey upon society.

I have spoken of Minnie Eddy and Pearl Hall and Alice Cox, who were killed by the prison system under my eyes; but they were the fortunate ones. To them death was kind and merciful. Our sorrow and our tears were not for the women who died, but for the women who lived—

the women whose death was long-drawn, whose bodies, brains, and souls were murdered bit by bit. Aggie Myers was one. She had spent almost twenty years in Jefferson City, and from the intelligent and really beautiful girl who entered prison, she had retrograded until to-day she is almost an imbecile, to whom death would come as a blessed relief. And there were many more examples of what prisons do to human beings—Hattie Shrum, Wille Wilkerson, Cecil Tillman, Mattie Lowe, and many more who are being murdered in body, brain, and soul by the processes of slow torture.

You shudder at these things and console yourselves with the thought that these are bad women who have broken the law. They may be bad—I do not argue the point, though I have never been able to accept it. They were poor, ignorant, subnormal, and psychopathic; but I did not find them bad. They were kind and gentle and tender to me, as the harlot who washed the feet of Jesus with her tears and wiped them on her hair. They were not so very different from the mass of women outside, except they were a little more kindly and sympathetic because they had suffered more. You may call them bad if it makes your conscience feel easier, and I agree that they have broken the law and are being punished for what we call crimes. But—they are human beings.

"But what have we to do with these degraded creatures; what are they to us?" you ask. You have this to do with them: They are products of society; and for whatever they are, society is responsible; and you are a part of society. We cannot separate ourselves from them. Their lives in prison are what we in our ignorance and indifference have permitted. And these women are generous. They will return what we have given them with usury. This thing is scientifically as well as ethically

true: we are our brother's keeper, and he is ours. As surely as the day follows the night, whatever we send into the lives of our neighbours will come back into our own. If an open sewer were pouring a stream of filth into the water supply of your community, the citizens would rise in horrified revolt and take any action necessary to stop the pollution. The open sewer of the prison is pouring into our social life a constant stream of released convicts, laden with filth, disease, and death, and good citizens take no concern for the matter.

And it is not only what the convict brings back to us that is a menace. There is also what he sends through the channels of commerce. The girl who sat next to me was in the last stages of both syphilis and tuberculosis.

Her mouth was covered with open lesions, and she coughed and spat continually. She was employed at making baby unionalls for children from three to six years of age. It was her habit to use the garments on which she was working to wipe the tubercular froth and syphilitic pus from her mouth; then they were tossed into the pile of finished garments to go out into the channels of trade. They were bought by merchants who might be honestly duped by the fraudulent labels, or who might be willing to sell convict-made goods under misleading labels because of greater profit. But in either case they were handled by clean salesgirls, purchased by clean American mothers, and placed on the bodies of innocent children.

Over and over again, in the murderous grind of the prison workshop and in the stifling murk of the steel-barred cell, I asked myself if there were not a double standard of morals, ethics, and behaviour—one for the individual and the other for society. With me through

all those long, terrible months in prison was the question, Is there some law of God or nature that makes what is a crime in the individual a virtue in society? Is there some virtue in numbers that makes an act which is a crime, when done by an individual, a righteous thing when done by the community? Needless to say, I did not find an answer to this question in grim stone walls and chilled steel bars and prison brutality. Nor did I find it in the whole theory of social vengeance as administered by our prisons. I came out of prison still a seeker for light on this point. I went to lawmaker, judge, public official, editor, educator, and clergyman with my question, and none had an answer for me. In the autumn of 1920 I spent a month in Washington, D. C., sitting at the feet of some of the greatest sociologists, penologists, psychologists, and physicians of our day, brought from all over the world by the United States Public Health Service, to discuss social well-being. I spent five hours each day in lecture rooms. But none of these wise men and women would, or could, tell me where the dividing line lay between individual crime and community righteousness.

Some months after my release a book came to my desk for review—*Psychoanalysis: Its History, Theory and Practice*, by André Tridon. It could scarcely be ranked as a great book, but it did give me one gleam of light on this dark subject. André Tridon quotes from Sigmund Freud's *Reflection on War and Death*, as follows:

"The individual can prove with dismay that the state forbids him to do wrong, not because it wishes to do away with wrong-doing, but because it wishes to monopolize it. . . . A state at war makes use of every act of violence that would dishonour the individual. It employs not only permissible cunning, but conscious lies and deception. [It] demands the utmost obedience and sacrifice from its citizens, but at the same

time it treats them like children through an excess of secrecy and a censorship of news and expression of opinion which renders the mind of those who are intellectually repressed defenceless against every unfavourable situation and every wild rumour. It absolves itself from guaranties and treaties by which it was bound to other states, and makes unabashed confession of its greed and aspirations to power."

It now seems to me that what Freud says of the European states in time of war is also true in our own country in times of peace, when the state attempts to deal with transgressors. I am sure that the individual convict can prove with dismay that society forbids him to do wrong, not because it wishes to do away with wrong-doing, but because it wishes to monopolize it. I am sure that society, through the prison system, makes use of every crime and violence against the convict that it punishes in the criminal. It demands impossible servility and at the same time treats the servile like brutes and beasts. It employs not only permissible disciplinary measures, but inhuman brutalities. By the secrecy of stone walls and fear-locked lips it suppresses every normal instinct until minds are warped and souls are scarred beyond cure. At the same time society through its prisons absolves itself from the decencies of life and makes unabashed confession of brutality and greed.

I think that there is little doubt that the so-called crime wave that has swept over the country since the close of the World War has really been of value, though terribly expensive in money cost and human life, in that it has forced us to face the whole complex problem of crime and criminals. And one lesson at least that this crime wave is teaching us is that it is foolish and cowardly and wasteful to go on blindly punishing the individual offender and ignoring the social causes for his crime—

the share of the responsibility that society must bear.

Great tragedies are often necessary to shake men out of their smug complacency and force them to face threatening danger. For generations society accepted the double standard of morals for men and women. Then the World War came; we took stock of our degree of physical fitness; and the results were appalling. The effect of the double standard of morals for men and women is to breed vice, crime, disease, and death. The crime wave may have the effect of forcing us to face the fact that a double standard of morals for individual and community may have a more terrible price than the double standard for the sexes.

There was a time when the criminologist placed the burden of responsibility upon heredity as the dominant causative factor in crime; a time when we talked of "criminal types" and "criminal classes" and "criminal inheritance." Now men of science place far less stress upon heredity and far more on environment. Scientists tell us now that, while a human being may inherit a weak body and a subnormal brain, it is the external surrounding impressions favourable to his disregard for justice and right that usually moulds the weaker, and sometimes the stronger, individual into a criminal.

Society's standards of ethics, morals, and justice are an integral part of mankind's environment; and just as far as we permit the state to have lower standards than the individual, so far the state becomes the breeder of crime. As long as men are permitted to have a lower standard of morals than women, they are the disseminators of vice and venereal disease. As we approximate the single standard we find that it does not lower woman's standard, but raises man's. It seems logical to conclude that a single standard of morals for individual

and state would not lower the individual's standard, but would raise that of the state.

We should be both cowardly and unscientific in looking for the cause and the cure of crime, if we did not take into consideration such factors as the psychological reaction, upon youth and upon the mentally unstable and more emotional of our population, of the years of preaching hate and the glorification of violence as a method of solving social problems for society at large. The Baltimore *Sun* has stated the case very clearly in the following editorial:

"When men unfamiliar with strife are taken from their peaceful vocations, trained as killers, and led into battle, where they may win praise and promotion by displaying unusual efficiency in the art of slaughter, they cannot return to the ways of peace with their former dread of murder. Those with well developed minds and strong moral characters may within a short time force the nightmare of war from their minds and become as they once were; but the weaker characters and the weaker minds will never rebuild the brain structures torn down by war. Yesterday he killed a fellow man and rifled his pockets in the cause of democracy; to-day he kills a man and rifles his pockets because he needs the money. The glorious slaughter arranged by statesmen prepares the way for private jobs of killing."

This condition is not peculiar to America: it is common to all the countries touched by war. Neither is it peculiar to the World War: it is common to all the wars of modern civilization. And we can have little hope that stringent laws, drastic punishments, and brutal prison methods will help us solve the problem of crime waves and reform the criminal. Every intelligent criminologist knows that in the Dark Ages punishment for crime was as

drastic as human ingenuity and brutal savagery could make it. Capital punishment was the common penalty for more than a hundred crimes. The most fiendish tortures were common; the body of the executed criminal was drawn and quartered, and the gruesome bits, with the lopped-off head, were hung at the city gates. But crime was not abated. The only effect was to make the criminal more desperate; and the more drastic the punishment, the more dangerous criminals became. The state could not abate crime by being more criminal in its own acts.

Crime has always increased in hard times and diminished in good times. It is gradually dawning on us that crime increases and decreases in proportion to the difficulty or ease with which the individual can secure the means of life. If the World War had been followed by prosperity for the masses, instead of poverty and unemployment, in all probability the crime wave would not have reached its present flood.

The whole world is seething with crime, not alone because of the evil effects of the World War upon the souls of men, but also because of the industrial chaos, poverty, exhaustion, and famine that always follow war. And to reduce the crime wave requires, not more police, machine guns, courts, judges, and prisons, not more inhumane punishment, but less poverty for the masses and a higher standard of honesty and morality for the state.

If organized government would curb crime among its individual citizens, it must establish for its own discipline the same standards of morals and righteousness that it demands from its individual citizens. If government would reform criminals, it must first reform itself. If our government would reduce the individual crime, it must pay more heed to the welfare of the masses and to its own standards of justice. It must take from private hands

the unlimited power which they now hold to breed war, poverty, and crime, and it must make state morality the pattern for individual morality.

If there is to be any permanent abatement of crime in the United States, our government must show as much efficiency in making peace as in making war. It must recognize the fact that a government, if it has the right to demand human life in war, has the duty of protecting that life in peace. If it can take men from the vocations of peace and send them out to slaughter, it must not expect them to be turned back to normal conditions and pursuits overnight. If our government has the right to spend billions making war, it has the right, and must use it, to spend millions making peace bearable for the masses.

X

THE WASTE OF OUR PENAL SYSTEM

Because the dollar mark comes so very near to being the standard of measure for everything in our social life, the taxpayers are beginning to feel cold chills creep down their spines when they are brought face to face with the cost in cold, hard dollars and elusive dimes of our penal system. Even a superficial study of the money cost of crime and of criminal correction has a tendency to shock the taxpayer into a realization that our system of dealing with crime and criminals concerns him individually, and that it is far more than a mere legal formality of shutting unpleasant and annoying people behind stone walls and comfortably forgetting them. The cost of the criminal correction is tapping the pocketbook nerve of the American people—a very sensitive nerve, frayed by war taxes. The average taxpayer feels a sense of consternation when he realizes the stupendous cost in hard-earned cash of our administration of criminal law and of the upkeep of our penal institutions.

Reliable statistics dealing with crime and with the cost of dealing with it are almost non-existent in the United States. No figures from the 1920 census relating to these subjects are yet available, and the statistics for 1910 are misleading because of the very great increase in crime and in its money cost within the last decade. But, so far as there is anything on which to base conclusions, it appears

that we are spending as much for police, courts, jails, work-houses, and penitentiaries, as we are spending on colleges and universities, if not actually more. If this is true, and it seems to be—if we spend as much to punish bad people as we spend to educate good people then we have reached a danger point in our national life. Again, so far as statistics are available, there seem to be more men and women in our penal institutions than are enrolled in our institutions of higher learning; and certainly there are more graduates from these universities of crime than from our colleges.

It gives timid folk a sense of uneasiness to know that more than 100,000 ex-convicts—possibly almost double that number—come back from prison life each year to take their place and wield their influence upon the social life of the country. Quite definitely it is dawning on the mind of the average American citizen that the traits and social attitude which these hundreds of thousands of ex-convicts bring back to civil life are of the most vital importance. When intelligent people realize the cost of our prison system and the danger of infection from released convicts, they begin to question whether or not our prison system is worth the money.

We are beginning to apply the common principles of business efficiency to our penal system, and we are finding it terribly wasteful and non-productive of desired results. It seems quite evident that the greatest waste lies in this: the system is an affair of duplicated work that must be done over and over again. It violates every principle of efficiency because it is work done in a blind, haphazard way, with divided authority and without basic knowledge of the problems to be solved; with no scientifically tested methods of procedure, and with no clear idea of what is to be done.

The amount of money wasted each year in the prosecution and defense of criminal cases is so great that we can not comprehend it. Few persons have the slightest conception of the money cost of justice. I certainly had not until my illuminating experience with the Espionage Act.

This Espionage Act is a splendid example of the money cost of unscientific and brutally administered laws. It was not only in itself a contradiction of everything we feel to be American in principle, and an open invitation to sinister forces to prostitute the courts, but it failed utterly in its ostensible purpose and proved to be, along with the Volstead Act, among the most expensive pieces of criminal legislation ever placed upon the statute books.

Congress, reeling about in the blind staggers of a war drunk, enacted a criminal law so loosely drawn and so badly worded that it could be construed to mean anything that the presiding judge saw fit. Its assumed purpose was to make it possible to apprehend and imprison German spies who were working in this country to prevent the successful prosecution of the war. But, so far as there is any record, few if any German spies were ever arrested, tried, or imprisoned under its provisions. But its unconstitutionally broad powers made it an effective weapon in the hands of predatory industrial groups and corrupt politicians, as well as of hysterical judges and psychopathic patriots. It was used, not to protect the nation from German spies or alien enemies, but to imprison American citizens who had shown efficiency in organizing farmers and wage-workers into organizations that could make a successful fight for a greater measure of social justice; people who belonged to religious sects who took the teachings of the Bible seriously; and persons who dared hold or express economic and political

opinions contrary to the creed of the political party in power.

The enactment of the Espionage Act not only made criminals of the most socially minded, but it also carried with it the creation of an army of professional spies and *agents provocateurs* whose cost in actual cash ran into millions—and who rarely caught a German spy. The whole ghastly story of the crimes and outrages committed by this army of professional spies and *agents provocateurs* may never be told, but we do know enough of it to realize that it equalled, if it did not exceed, the horrors of the Russian spy system under the Czars.

In 1920 a statement was issued by twelve of the most prominent lawyers of the United States, headed by Dean Roscoe Pound of the Harvard Law School, charging that the Department of Justice of the United States, through its agents, had "engaged in illegal practices, cruelties, and persecution." March 12, 1922, a Senate committee handed in a report condemning ex-Attorney-General A. Mitchell Palmer for having "acted in a high-handed manner," and demanding that the Department of Justice rules dealing with so-called radical aliens be amended to conform to the plain mandates of the Constitution. The Senate committee reported that the only explanation that could be offered for the actions of ex-Attorney-General Palmer in the Red raids was the fear inspired in his mind by the alleged attempt to bomb his home in Washington. A much more logical and intelligent explanation is the lawlessness and unrestrained brutality incidental to turning loose an army of spies and *agents provocateurs* upon a helpless people.

I cannot as yet lay my hands on the absolute proof, but I have good reason to believe that this alleged bombing of A. Mitchell Palmer's home was planned and ex-

ecuted by professional spies in the employ of the United States Department of Justice. There is no doubt in my mind that the man who lost his life in the premature explosion of the bomb in front of A. Mitchell Palmer's home was the same Italian agent of the Department of Justice who framed Gabriella Antolini and sent her to Jefferson City—a member of the group of Department of Justice agents who were responsible for the death of Salsedo, who jumped, or was thrown, to his death from a window in the office of the Department of Justice in New York, and also one of the group who are now the power behind the scenes in the persecution of Sacco and Vanzetti in Boston. During the years from 1917 to 1920 I must have cost the taxpayers of the United States thousands of dollars. For more than two years there was never an hour, day or night, that I was not under surveillance by a Department of Justice spy. When I travelled, and I travelled a great deal, I was always accompanied by from one to three secret service operatives. Every letter I wrote was opened, every lecture I delivered covered, every cent I spent and received was checked up, our bank account was under surveillance, and every deposit and check was investigated. I am sure that I ate scores of dollars' worth of meals paid for by the taxpayers, but tendered me by the *agents provocateurs* who had fallen madly in love with me and were paying violent court. In fact, I never had so many ardent admirers in all my life as I had among these professional spies. I am not young, and no one ever suggested that I was beautiful, even in the heyday of my youth. I never had to call the police or fire department to protect me from over-ardent admirers during the time when I should naturally have been most attractive to the opposite sex; but when the Department of Justice started paying me attentions I was almost con-

vinced that I must suddenly have bloomed into a middle-aged Cleopatra or Theda Bara.

So, for more than two years, I enjoyed the comedy, mingled with tragedy, of having a varied assortment of men, mostly young enough to be my sons, making violent love to me all my waking hours; and all of this stupid and disgusting melodrama was a part of the vicious, slimy business of the department of our government bearing the ironic name of Justice. And all the money cost of it was wasted; for when I finally was made a victim of the Espionage Act, the Department of Justice had not one thing to offer for all the money it had squandered. Judge Martin J. Wade read a letter from the bench from a Department of Justice official which said: "We have been unable to secure anything specific on her that would be a violation of the Federal Law. Nothing would please this office better than to hear that she got life." But I was a pacifist and a radical, and therefore annoying if not criminal. Petty politicians seized upon a stupid and vicious statute, and—the taxpayers paid the bill.

Two political factions were at war in a little North Dakota town over the post office; one faction had it, the other wanted it. I chanced to come to the village to deliver a lecture; the political faction that had the post office chanced to be friends; the faction that wanted it decided that my opinions did not coincide with the opinions held sacred by the administration at Washington; and incidentally I drank a cup of tea with the village postmistress. The rival faction invoked the Espionage Act; two politicians, one of them the defeated candidate for the postmastership, suffered from a severe attack of patriotism; a psychopathic judge construed the aforesaid Espionage Act to cover his personal religious and

economic prejudices; and the wisdom of our legislators was made evident to all.

I do not know what it cost the taxpayers to punish me for drinking that cup of tea with the postmistress, but it must have been at least a hundred thousand dollars. I do know what it cost the O'Hare family for that famous cup of tea. It cost six persons, five of them obviously innocent, three years of their lives, more than ten thousand dollars in cash, and many times that amount in wrecked business enterprises. And mine was but one of thousands of similar cases. The total money cost of our little excursion into the repression of ideas, with its concomitant spy system, was beyond the power of the average taxpayer to comprehend. The government spent millions in attempting to enforce the Espionage Act, and citizens spent many millions more in trying to defend themselves from its vicious misuse in the hands of corrupt politicians and powerful industrial groups; but not one thing of real social value was ever achieved.

Louise Olivereau was sent to prison for twenty years for distributing one of the Ten Commandments. The International Bible Students were sentenced for ten years for quoting certain portions of the Bible. The cost of these arrests, defenses, and trials was enormous; but the Bible is still here, and it still contains the same scathing denunciations of war. Millions were spent in the prosecution and defense of the Industrial Workers of the World under the Espionage Act, but the I. W. W. has more members and is far stronger than when the persecutions started. Millions were spent to send farmer and trade union organizers to prison for alleged violation of the Espionage Act, but the spirit of industrial solidarity is stronger to-day than ever before, and the organized farmers and the organized wage-workers

have been forced to combine to defend themselves against aggression. Millions were spent in prosecuting and defending the Socialists charged with violating this law, and socialism has thriven under the attacks; it looms larger on the world horizon to-day than ever before in the world's history. The only visible results of the Espionage Act are millions of wasted dollars, the prostitution of the courts, and the violation of the Constitution by elected officials.

Although the Espionage Act may be the most glaring example of the criminal stupidity and extravagance of certain of our criminal laws, there are many other examples—among them the Mann Act, the Harrison Drug Act, and the Volstead Act. The list of criminal statutes which serve no useful social purpose, because the men who enacted them had no scientific knowledge of the problem involved, is too long to repeat here. But even these unscientific and unenforceable laws are not the most appalling waste of our system of dealing with crime and criminals. There is no doubt that the most senseless waste centers in the fact that our penal system is punitive and not curative. Because we merely punish and do not cure the criminal, we must administer the punishment over and over again. And each time the uncured criminal is punished, the cost of the punitive system mounts higher and higher. There is a never-ending stream of uncured criminals coming from our prisons every year, and an astonishing percentage of them drift back again by the long and expensive path of re-arrest, re-trial, re-sentence, and re-commitment. We do not seem to learn that, if one sequence of arrest, trial, sentence, and prison term does not cure, another will be just as expensive and more useless. The law of trial and error, not to mention common, ordinary horse sense, should teach us that, if

we are ever to reduce the stream of social poison that pours out of our prisons, contaminates our social life, and trickles back again after the harm is done, we must find out why the punitive system does not work and what changes may make it curative.

To do this it seems evident that we must determine whence comes the criminal and why. I do not pretend to know whether or not crime is a social disease, and I have no cure-all to offer for it if it is. I am not rash enough to point to any single factor in our social life and say, Here is the germ of crime. I am very modest about what I do know about it, and well aware that there is much that I do not know. But I am very sure that we shall make no headway in reducing either the expense of dealing with crime or crime itself, until we have given as much intelligent study and as much research work to criminology as we have given to physical pathology.

I am not at all sure that I know what makes the thief steal, or the sex-pervert indulge in vice, or the murderer take human life. But neither did my grandmother know what caused malaria, typhoid fever, small-pox and tuberculosis. These physical diseases were just as dangerous and just as mysterious to our grandparents as crime is to us. They did not know the causes for them; they guessed at the cure; they lumped them all together and said they were visitations of God. We do not know the causes for crime; we guess at a cure; and we lump them all together and call them human depravity.

But some men were not content to blame God for these physical ills; and carefully, painstakingly and scientifically they sought an understandable cause. As a result of their studies and patient research work we now know that God does not bring malaria—rather, the mosquito does it. So we swat the mosquito and have a

greater respect for God. We know that filth and flies, not Providence, are responsible for typhoid; so we clean up the filth and screen out the flies, and we have almost eliminated that dread disease. We have found that certain germs cause diphtheria, small-pox, and tuberculosis; and we have learned to combat these germs and thereby protect human life. Study, research, scientific investigation, careful experimentation, hygiene, and sanitation in the realm of physical disease are rapidly solving the problems of physical health and explaining the mysteries of life and death.

It seems logical to me to suppose that careful study, intelligent research work, and scientifically directed experimentation can do as much to help us solve the problems of crime as they have done to solve the problems of physical well-being. Mental hygiene should be as effective a preventive of delinquency as physical hygiene has been of physical disease. Ignorant legislators might have enacted, until the end of time, statutes making it a crime to suffer from a dangerous physical disease, without reducing disease in the least. Stupid judges might have sentenced consumptives to prison because they are a menace to society; but a prison sentence would never have been a cure for that devastating ailment. And from past experience we must conclude that prison sentences will never provide a cure for what we call crime.

Our statute books are loaded with laws enacted by men ignorant of the basic problems of crime; and these laws are being interpreted by judges just as ignorant and by public officials who refuse to make any study of the causative factors in human behaviour. Our whole system of dealing with crime is based on the assumption that

punishment is a cure for crime, and we refuse to apply the test of scientific analysis.

And though we accept, almost universally, the theory that punishment is the only cure for crime, there is little or no uniformity of methods of punishment, and no agreement among prison officials as to what sort of punishment is best, or how it shall be applied, or how much. Punishment is the basic principle of practically all prison management to-day, but there are no known standards to measure the amount of punishment that will be effective in a given case. We seem to accept the position that punishment is the proper medicine for crime, but there is no scale of dosage. Under our present methods of administration the size of the dose depends on the economic status and the social position of the dosee and on the condition of the judge's liver. And the administration of the dose is left entirely to the whim, caprice, or mental twist of any sort of human being whom political pull can place in the position of prison keeper. We insist on having a trained nurse to administer Epsom salts, but we permit any sort of political riff-raff to administer doses of punishment *ad libitum.*

If the comfort and safety of society depends on the administration of punitive treatments, we should at least realize that haphazard methods are out of date. If punishment is our only cure for criminality, and if we must use that cure, it must be applied by men trained and specialized in measuring and applying it, or we shall not get the worth of our money.

I have a feeling, however, that, once we face intelligently the money cost of crime, we shall discover that the criminal codes based on the theological theory of eternal hell-fire, interpreted for the most part by judges

with ossified minds, and administered by untrained prison keepers, is not efficient; is both wasteful and expensive. And we may find it necessary to reconstruct our criminal codes, and supplant prison brutality with applied psychology, in order to get value received for the taxes we pay.

XI

WHERE RESPONSIBILITY LIES

Perhaps our most striking national characteristic is our proneness to retreat from disturbing facts into the quieter region of ideas. Individually and collectively we shut our eyes and wrap the mantle of abstract ideas about us and lie down to pleasant dreams in the midst of horrible realities. My fourteen months in prison convince me that the time has come to remove the gilded lid of self-complacency and ignorance from our penal system and look with honest eyes within.

Most people who have given any study to our penal system are convinced, I think, that it is one of the most hideous things in our social order, a survival of everything that is anti-social and uncivilized belonging to the various social orders which we have outgrown. It has become the scapegoat for all the human characteristics of which we are ashamed, the alibi for our social shortcomings.

We can not deny that our prison system is a reflection of ourselves—the expression of our collective morals, ethics, and sense of justice. Each of us must bear individually his share of the responsibility for its stupidities, horrors, and brutalities, and none of us can draw aside and say that he is guiltless of its wrongs, anachronisms, and abuses. And no matter how carefully we wrap the cloak of our self-righteousness about us, or how stubbornly we close our eyes to facts, the facts are still there, and

our responsibility for them cannot be shifted to others.

The endeavour to shift responsibility is the very foundation of our whole shameful system of dealing with the socially unfit. High-minded men make laws to punish human beings, but they never disturb themselves about the details of enforcing them; enforcement is left to inferior individuals unhampered by ethics, morals, or a social conscience. Noble, high-minded judges pass sentences upon human beings; then, like Pilate, wash their hands of the physical facts entailed in the execution of their mandates.

High-minded citizens elect officials, and the officials enter into contracts with manufacturers for the sale of convict labour: but the citizens who elect the officials and the officials who make the contracts never harass their minds or harrow their souls with the facts involved in the execution of the contracts. These facts are left to brutal overseers working under compulsion to wring the last penny of profits from the unpaid slave labour of helpless men and women, and to sadistic, subnormal prison guards who find prison a safe place in which to indulge their perverted desires.

It is not strange to me that we hide our prison population away from human sight and forget it as quickly as possible. For months I watched that stream of tragic, blasted lives, lives that were scarred and marred, perverted and degenerated; and they were not pleasant to look upon, nor did they add to my national pride or peace of mind. But I knew that they are flesh of our flesh, soul of our soul, and that for all they are society is responsible. Prison walls cannot break the tie that makes us one in human brotherhood.

The time has come, if we would make good our boast of being a highly civilized country, for us to face frankly and fearlessly the facts of prison management and their

effects on our national life. In practically all things except war and prisons—both survivals from lower and outgrown social orders—we have been forced by repeated failures to realize that the law of Moses, an eye for an eye, must give way to the law of Jesus, "Love thy neighbour as thyself," because the latter is more efficient, more socially useful.

Prison life as I lived it is not only the law of an eye for an eye, but it is also a violation of every normal urge of human life, an intensification of every brutal and abnormal tendency. Modern psychology teaches that there are three primal urges whose normal expression and gratification makes possible all progress upward from the lower to the higher life. The first is the urge for food, which embraces all physical comforts; the second the urge for mental expansion, which includes all that we call education and culture; and the third the urge for love, which includes everything from the most elemental sex attraction to the highest forms of religious expression. There is another urge of which our modern psychologists have said little—possibly because none of them ever had a genuine prison experience. In my opinion, it is of vital importance. It is the urge to freedom of action.

Our prison system violates all of these normal urges. Convicts are always hungry—physically hungry because they are habitually underfed; mentally starved because of the intellectual stagnation of their lives; emotionally hungry because they are shut away from all normal human relations.

Prisoners are not only kept in a state of semi-starvation, but by the very condition of their lives they are prevented from securing food by their own labour. There is no sort of sophistry by which society can escape either the responsibility or the disastrous effects of permitting

half a million human beings in the United States to be slowly starved into a state of animal-like ferocity, while at the same time permitting these hungry, brutalized people to be sentenced to hard labour whereby they are not permitted to earn enough to give themselves human conditions of existence.

In 1910, according to the census reports quoted by the *World Almanac*, there were in the penal institutions of this country 479,747 people, a large share of them engaged in gainful labour under some form of convict leasing. They endured greater deprivations than the black slaves ever did; and the unpaid labour of these chronically starved prisoners represented a vast wealth production which did not benefit them in the least and injured society as a whole.

The convict does not profit by his labour, either in cash or training for future life; his family receives no benefit; and the state receives no real advantage. Practically all the profits of convict labour in the United States go into the pockets of prison contractors and politicians. And these profits are so great that they curse everything they touch—the machinery of enforcing the court decrees, state politics, the prison staff, the inmates, the press, and the public. They breed an atmosphere of cynicism and moral decay. They foster greed and dishonesty, breed brutality, and are the excuse for a very large percentage of all prison cruelty.

Because the profits of convict labour are so great and the convicts are so helpless, hard labour and its attendant starvation are vampires that suck dry the vitality of our prison population and send men and women back to the outside world as brutalized wrecks who must inevitably prey upon society.

Maxim Gorky, in his story of Russian working class

life, *Mother*, draws a vivid picture of the moral effects of slavish labour upon human beings that should be read by every judge before he passes the sentence of hard labour on a fellow man. Gorky says:

"In the evening when the sun is setting and the red rays languidly glimmered upon the windows of the houses, the factory ejected its people like burned-out ashes. . . . The servitude of hard toil was over for the day. The day had been swallowed up by the factory; the machine had sucked out of men's muscles as much vigour as it needed. The day was blotted out from life, not a trace of it left. . . . The accumulated exhaustion of years had robbed them of their appetites, and to be able to eat they drank long and deep, goading on their feeble stomachs with burning vodka. Exhausted with toil, they drank deeply and swiftly, and in every heart there awoke and grew an incomprehensible, sickly irritation. It demanded an outlet. Clutching tenaciously at every pretext for unloading themselves of disquieting sensations, they fell upon each other for trifles with the spiteful ferocity of beasts, breaking into bloody quarrels which sometimes ended seriously in injury, and sometimes even in murder. This lurking malice increased, inveterate as the incurable weariness of their muscles. They were born with this disease of the soul inherited from their fathers. Like a black shadow it had accompanied them from the cradle to grave, spurring on their lives to crime hideous in its aimless cruelty and barbarity."

Our prison workshops are full of men and women being sucked dry by the vampire of hard labour and underfeeding. And we are individually and collectively responsible for "spurring on their lives to crime hideous in its aimless cruelty and barbarity."

Of almost as great importance as the effects of physical hunger is the deadening effect of the mental stagna-

tion forced upon inmates of our prisons. The theory of prison management, as I saw it, is that no "bad" person can be made into a "good" person until they have been "broken." And being "broken" meant that the prisoner must be stripped of every shred of self-respect, initiative, will power, intelligence and emotional outlet. We were even forced to be dumb twenty-three hours each day.

For one hour only could we use human speech. At the table we were forced to point like monkeys to the food we wished. Surely common sense should teach us that if ever the convict is to be reformed it must be by building and strengthening the very traits of character that are most brutally repressed and killed by prison life. We cannot escape responsibility for what prison life does to the brains of the human beings we place there.

Perhaps the most bitterly hated things, the most brutally punished, were the natural expressions of friendship, kindness, courtesy, and love. The simplest expressions of friendship, ordinary courtesy, and commonplace kindness between the prisoners were strictly forbidden and severely punished. The most coarse, vulgar tongue-lashing I ever received from the head matron was for dividing my candy and chewing gum with the women and getting food to the women sick in their cells. The Victrola, games, magazines, Christmas packages, and little gifts which my friends sent to brighten the sordid, sodden days were resented and hated by the officials. Those things were permitted to enter only because the officials feared the public opinion which they thought might be aroused if the things were barred out.

Perhaps the most striking example of the aversion which prison keepers have for any expression of love was the incident of my son Richards being denied the priv-

ilege of playing his cornet for us. Richards was a boy about fifteen years old, somewhat lacking in the power of expression, but he knew that I loved music and enjoyed his playing. One time when he came to visit me he brought his cornet and requested permission to play for me and for the women during the recreation hour. He was not only denied this privilege, but was not permitted to see me at all. It was only at a very great sacrifice that he could spend the money necessary for railroad fare, and his inability to see me was a heartbreaking thing for him. He had saved and denied himself necessities, and he looked forward to his visit as only a boy in his position could. Heartsick with disappointment, he waited until nightfall, hoping always that the permission to see me would be given. When darkness came, and he knew we were in our cells, he stood under the shadow of the prison walls and sent his message of love to me on the quavering notes of his cornet. One of the selections he played was "Lead, Kindly Light," and this incident and this hymn have always seemed symbolical to me. Only kindly light can wipe away the social crime of shutting love outside the prison walls while human hearts break and human souls decay inside from hunger for it.

Laughter too was hated and punished. Nothing could bring our shop matron down from her perch so quickly, or rouse the ire of the overseer so surely, as to see a smile on the lips of one of the prisoners. There was a mentally subnormal little coloured girl who sat across the table from me in the shop. She had the gift of music and sang like a bird. She sang just as naturally as she breathed, and almost unconsciously. The overseer spent most of his spare time watching and cursing her every time he detected her singing at her work.

Whether or not we agree fully with Dr. Sigmund

Freud and the psychoanalytic school that sex is the dominating force of human life, we must admit that it is a powerful factor. Prison life, by denying the normal expression of sex, breeds and fosters sex perversions and all the degenerating vices that these perversions include.

The arrangements of all prisons where both men and women are kept in one institution continually aggravate sex desire and eternally deny its normal gratification. At Jefferson City the male and female departments were separated only by a stone wall; and the efforts of the men and women to communicate were constant sources of friction and punishment. The only full-sized window in the shop was nailed down and painted over, as I have said, because it opened on the men's courtyard; and all the other windows were half size and eight feet from the floor for the same reason. The windows in the women's cellhouse opened on this same yard, and there was never-ending warfare between prisoners and keepers over forbidden communications. Male trusties carried supplies, mail, and messages between the departments and did a thriving business on the side carrying letters, tobacco, and other contraband articles back and forth between the men and women prisoners.

Many of the women had husbands or lovers on the other side of the wall, but they were not permitted to communicate with them; not even through their families outside. Naturally these women would spend their last cent and take any risk of punishment for a word from their loved ones. The punishment for passing messages was terribly severe; but no risk was too great for the scanty comfort of a hastily scrawled note passed under the noses of vindictive and watchful keepers. One day I scolded a woman for risking almost certain detection

and punishment for passing a letter to her husband on the other side. Suddenly she turned on me and cried:

"Shut your mouth, you damned hypocrite! Don't you dare preach to me about something you don't know anything about. You see your man every two weeks and hear from him almost every day. Suppose you hadn't heard from him for months and didn't know whether he was alive or dead? You would face hell to get a word from him, just as I am doing."

She was right. I would. The instinct to mate is too old, too fundamental, to be destroyed; and we cannot escape the responsibility for maintaining prisons where sex desires are constantly aroused and fostered and where the denial of normal sex expression breeds the most socially dangerous sex abnormalities and perversions.

And we cannot in decent fairness and honesty lay all the blame on prison officials and employees. They are public servants. We are the public, morally responsible for the acts of our servants. Because public opinion concerns itself less with prisons than with any other sort of public institution except, perhaps, almshouses, prison management has for the most part fallen into the hands of the most ignorant and corrupt type of politicians, and prison jobs have become the dumping ground for the inefficient and unfit relatives and political hangers-on of the professional politicians. These human misfits and failures are thrust into prison jobs because, as a rule, they are too worthless for other employment. So far as I have been able to study them, I have found court bailiffs, jail turnkeys, prison guards, and prison matrons industrially unfit and generally illiterate human scrubs, mentally defective, morally perverted, and very often of much lower type than the prisoners whom they handle.

Certainly the responsibility for this condition rests upon the citizenship of the state, not upon the prison keepers. The salaries paid in the average prison are so low that only the lowest type of men and women, or those who expect to add to their legitimate earnings by graft, can or will accept these positions. The wardenship at Jefferson City, with all its tremendous social import and complex problems, pays a salary smaller than that of a third-rate man in an ordinary business concern. Naturally it is filled by less than third-rate men. The male guards are paid less than common labourers, the under matrons less than housemaids, and the head matron, with the power of life and death over hundreds of women, less than a union waitress in a first class restaurant who carries no responsibility.

The matrons were required to live in the prison and were never, except on rare leaves of absence, out of the sights and sounds and smells of prison. They were prisoners to almost the same degree that we were, and they all staggered under a load of responsibility far too great for their limited intelligence and untrained powers. They handled human beings at their worst, and under the worst possible conditions, and saw nothing day or night but sordid, ugly things ungilded by the glow of hope or love.

These women who were our keepers had missed love and wifehood; they had nothing to look back upon or forward to. There is a sort of stigma attached to their work that makes the possibilities of love and mating for them very limited indeed. The ordinary social relations of normal life were impossible for them, and they lived in a very inferno of loneliness and isolation.

The head matron who made life unbearable for us was a coarse, oversexed, sensual woman, lashed eternally by the fury of sex overstrain and lack of normal outlet; a

woman in whom the fires of thwarted love and tenderness had been transformed into the scorching flames of perverted passion, cruelty, and hate. The Governor of the State of Missouri and members of the prison board admit blandly that this woman is unfit for her position, but they say: "She is as good as we can get for the salary." This is no doubt true. No intelligent, decent, fairly well-trained woman would do the work required for the salary paid. She could earn more and have a better opportunity for social life and mating, working in a restaurant nine hours a day for six days in the week, with no responsibility. The prison matron's day begins at five in the morning and continues until nine at night, seven days in the week. If things go wrong—and they frequently do—the matrons are routed out of bed at all hours of the night; and there is never one moment of the day or night which they can call their own, nothing to break the deadly monotony of their lives.

The conditions under which these prison matrons lived and did their work would have made harpies and shrews out of the finest types of women—and these certainly had never been fine types. For the conditions that place women of their attainments and character in such positions, the public is incontrovertibly responsible.

I discussed these facts before the Ohio Prison Conference, in Oberlin, Ohio, February, 1923, at which criminologists, judges, probation and parole officers were present. One judge remarked to me that these unfit prison keepers were the bane of a conscientious judge's life; that he always dreaded placing prisoners in their keeping. He said that he had never been able to understand why such obviously unfit persons should be placed in such socially important positions, but that my analysis had made the reasons plain to him.

XII

CONCLUSIONS

Possibly, in the last analysis, the solution of the problems of crime and criminals must be found in the great broad sweep of social justice that shall eventually replace those crimes of society which now play so large a part in the creation of the individual criminal. But social justice is not achieved overnight; ideal social systems do not spring full-fledged from political revolutions, though we must admit that political revolutions seem to have been necessary in the past to break the shell of the outgrown order and give freedom for development to the new social order formed within the shell of the old. And it is quite within human possibility that greater political revolutions must come in the future, to break the shell of legal restrictions which seek to perpetuate our outgrown industrial order and strangle the ideals and aspirations of the newer civilization which is struggling to bring order out of the chaos and social wreckage brought tumbling about our ears by the World War.

Social justice is never handed down from above by a ruling class, and neither is it ever the gift of so-called statesmen. Each upward step that the race has taken towards social justice has come because the existing order, failing to function with enough efficiency to feed and shelter and clothe mankind, has come into conflict with the irresistible urge of the race to live.

Slavery fell because it was less efficient than feudalism; feudalism fell because it was less efficient than capitalism; and capitalism seems to be crumbling because it is less efficient than industrial democracy.

I realize that the little measure of social justice which we have been able to achieve has come through the long, slow process of education, enlightenment, and added industrial efficiency of the producing class. Political revolutions will come and go. Czars will fall, kings pass, thrones crumble, political states will be reformed, and political parties will peddle their political nostrums; but the human race must be fed and clothed and sheltered, and only human labour applied to natural resources can do that. So in the end all human progress depends on the workers gradually fitting themselves to use more intelligently the means of production and distribution of the things necessary to human life.

I realize quite well that all criminal laws have their roots deeply planted in the economic conditions of modern society, and that our prisons are merely the cesspools of our inefficient and maladjusted industrial machinery. To me it seems logical to conclude that crime will not be materially lessened until a greater measure of industrial security has mitigated the economic struggle for existence for the masses of the people; until the living conditions of mankind have ceased to breed human abnormalities.

I realize that the ultimate goal is not to reform prisons, but to develop a better adjusted social machinery. But criminal laws, criminal courts, and penal institutions are very important parts of our social machinery, and we must patch up what we have so that it will operate with as little friction and waste of human life as possible, while we are building the machinery of the new order. W.

E. Ivins says: "The test of efficiency of any society and any form of government is its capacity to deal with crime." It would seem that we can have little hope of making progress in constructing better adjusted social machinery until we have civilized and humanized our methods of dealing with troublesome members of society.

I realize that prison reform is but a palliative, a sort of narcotic to ease the pain of unbearable social ills. But I also know that there are conditions under which narcotics must be used until nature and scientific treatment have had an opportunity to work a cure. And there are certain things that can be done during this trying time of social transition that will make the administration of criminal law and the handling of delinquents less wasteful and degenerating, and pave the way for really sane and rational handling of the problems of human frailty. Sound and intelligent methods of dealing with delinquents must be developed, and we dare not wait until an industrial system giving the full measure of social justice has been established. Morgan in his *Ancient Society* says that laws are always fifty years behind the actual industrial evolution of the race. I think no one will question the statement that our criminal laws and criminal courts and penal institutions are one hundred rather than fifty years behind the evolutionary status of our industrial and cultural life.

We have left what W. E. Ivins calls the "test of our efficiency" to the priest, preacher, lawmaker, judge, and prison keepers; and through our entire life as a nation their failure to deal with crimes has been most discouraging. We have used hell-fire, repressive criminal codes, stone walls, steel bars, dungeons, hard labour, physical, mental and moral starvation, torture and brutality, and

they have all failed to cure the criminal of his criminality or induce him to forego his criminal acts.

Common sense would seem to dictate that we try some new methods. It might be wise for us to try the industrial organizer, the educator, the psychologist, and the physician. I realize that it sounds very unorthodox to suggest that the industrial organizer might help in solving the problems of crime, but he has helped and is helping now. It cannot be disproved that, wherever the workers are well organized and well disciplined and have a certain security of employment and living wages, crime is reduced to a minimum.

The Amalgamated Garment Workers, the industrial union of the immigrant garment makers, has done more to Americanize, to raise the standards of living, to safeguard and create mental, moral, and physical health among the great mass of this potentially dangerous group, than all our courts and laws have done. The obscure, unknown organizers of the Amalgamated have taken from our fetid slums the poverty-cursed, disease-ridden sweatshop workers of yesterday, and made them the most self-reliant, self-respecting, forward-looking group of the American labour movement to-day. The Industrial Workers of the World, the industrial union of the itinerant and seasonal workers of the country, has cleaned up the industrial pestholes in the lumber camps, canneries, fruit-packing industries, harvest fields, and construction camps. It has made possible law-abiding lives for hundreds of thousands of our most oppressed but socially useful workers. The lowly and despised "wobbly" has done more to reduce crime and build men among the homeless labourers of this country than all the "bulls" and "bull pens" we have. The farmers' co-

operatives and the Non-partisan League have done more to lift the boys and girls of the farms above the danger of crime than all the repressive laws that were ever placed on statute books. The discoveries of the part that hookworm, malaria, pellagra, tuberculosis, and venereal diseases play in producing the industrial unfitness that is such an important factor in delinquency, and the splendid efforts made by the medical profession to combat these evils, have done more for real progress in sane criminology in the last ten years than the lawyers have done in a century. The work of the newer school of psychiatry, based on the theories of Freud and his coworkers, has shed more light on causative factors in crime than all the musty law books ever compiled.

Naturally, before we can hope for any marked progress in dealing with crime and criminals, our criminal laws must be simplified and brought up to something like our present industrial and cultural development. The criminal laws that were written for a spinning-wheel, tallow-candle, stagecoach civilization cannot be made to function successfully in a radio, airplane, push-the-electric-button civilization. With the uncounted out-of-date laws on our statute books—and more are being enacted every year—there is little hope of efficiently dealing with crime until this mass of crude, unscientific, undigested, unassimilated legislation is analyzed, systematized, and simplified—at least to the extent that will allow an ordinary citizen with ordinary intelligence to know whether or not his act is a crime on both sides of the street and at all hours of the day.

We must also realize, I think, that this simplification of the criminal law cannot be trusted entirely to lawyers. It would be too much to expect the members of the legal profession to eliminate their own jobs and take the

bread out of their own mouths. The cumbersome bulk, the stupidities, the complexities, and the appalling injustices of criminal laws and of their application provide a very large proportion of the legal profession with the means of life. And, as the struggle for existence is terribly hard, we cannot expect them to sacrifice themselves on the altar of the common good by putting common sense into criminal law.

It would perhaps be too drastic to suggest that every judge who has sat upon the bench in a criminal court until his human sympathies have atrophied and his brain has become musty with legal mildew should be taken out and hanged—though it would no doubt simplify methods of securing social justice and solving the problems of crime. But since hanging judges isn't done in well-regulated communities, perchance the best we could do would be to provide every criminal court with a public defender chosen for his ability and social vision and paid by the taxpayers to assist in securing justice for citizens who come into court; to preserve individual rights before the law, if there are any such rights. A public defender might, though it is not certain that he would, minimize the advantages of wealth over poverty in the courts. At any rate, it would be worth trying.

Every criminal court should also have a clinic as a part of its machinery for dealing with delinquents. The clinical staff should have at least a physician, psychologist, social worker, and industrial expert, in order that the various social factors of delinquency and of social maladjustment may be given intelligent consideration.

I do not believe that any judge whose training does not go beyond the mere law books and court room routine—not to mention his services to the industrial rulers of the country—or any jury made up of the type of men

who usually serve on criminal juries, can possibly render even approximate justice on the testimony developed in open court.

Modern psychology seems to prove that all our acts are governed by a chain of causation running back to our earliest infancy and affected by every emotional experience of our lives. The ramifications of the actual causes of any so-called crime are too intricate and too complex to reduce to a legal formula. Birth, breeding, environment, physical health, mental development, spiritual poise, emotional stability, economic conditions, recreational opportunities, normal outlets, sexual normality, and love relations—a thousand details of human life that legal codes do not recognize—play their part in the creation of a criminal and determine his anti-social acts. It is not logical to expect that a jury, usually made up of men far below the average in culture and intelligence—men who are for the most part totally ignorant of the most vital facts of life, of the actions and reactions of the human mind; men swayed by prejudice, knowing nothing of the unseen causes of human behaviour, their own or that of the prisoner at the bar —will be capable unaided of returning a just and intelligent verdict.

And how can a judge whose mental processes are bound down by the rusty bonds of legal codes, the precedents of dead and gone judges more benighted than himself, decide intelligently the degree of responsibility for a given transgression of the law, or decide the proper duration and form of punishment required to do justice to both society and offender?

We all agree that criminals must be restrained from endangering the lives and the happiness of their fellow men; that some method of curing their criminal tend-

encies must be found, or civilization will crumble into ruins. But existing laws, courts, and prisons have, after a long trial, proved inefficient. The best modern research into the causative factors of human behaviour seems to indicate that it would be less expensive and more satisfactory to send every law-breaker to a clinic for observation and treatment than to imprison him with other and possibly more advanced criminals and to subject him to the brutalizing influence of stupid and often degenerate turnkeys and jailers. In fact, it seems to be a fairly well established theory that it would be good common sense to transform every place of detention for delinquents into a hospital for the curative treatment of the mentally, morally, and physically diseased. Physicians and psychiatrists might prove more expensive in the first cost of their salaries than the political henchmen now so generally employed, but there is little doubt that they would be more economical in the end. For there is a strong presumption that they might cure some of the younger delinquents and save the taxpayers the heavy cost of unchecked criminalistic careers.

And surely the punitive decrees of musty-minded judges should be tempered by the scientific knowledge of carefully trained men who have specialized in the study and observation of the workings of the human mind and soul. Certainly it is only the trained observer—he who can unravel the tangled skein of human character and temperament; who can measure and weigh with some degree of accuracy the effect of heredity, environment, economic conditions, mental and physical normality, and the uncontrollable hunger of the human heart for love and emotional life—it is only such a person who is fitted to determine the methods that can most successfully be used to restrain or cure the human misfit.

It is no criticism of the legal and judicial professions as a whole to say that the bench should have the assistance of the physician and the psychologist in the administration of justice. Medical colleges have only recently, and as yet very inadequately, begun to study psychopathology in their courses. And, so far as I have been able to discover, no law school has ever thought of imparting to its lawyers-in-the-making, its embryo judges, the sort of information which might make it possible for them to treat delinquents fairly and intelligently and render the law curative instead of merely punitive. There is nothing in the law books to teach judges and jurors that often the most dangerous paranoiac will, when brought into court, give the impression of being perfectly sane as well as that of possessing cleverness and brilliancy. Only a trained observer would realize how abnormal his mental processes really are. The judge has had no training that would help him to realize that real criminals are almost always neurotics and psychotics who are dominated by diseased egotism and unwholesome urges. And because he does not know the facts, we can understand why he knows no better method of procedure than to send them to prison, where sexual need is denied, sex perversion fostered, and the ego ruthlessly crushed.

The law schools have no courses in prison psychosis; the question is almost never discussed in law journals; and it is not to be expected that the judges will know that prisons only make men worse physically, mentally, and morally, or that what the delinquent needs is not punishment but education, not brutal repression but curative treatment for the abnormalities of body, brain, and soul.

We demand trained men to deal with the problems of

physical health; we should never dream of trusting the dangers of a smallpox epidemic to politicians or to the type of man who manages our jails. But we blandly turn over the problems of public morals and mental health to the lowest type of political hangers-on. However, we do not need to be too deeply depressed over the situation. Less than a hundred years ago the law treated all insane men as criminals. No doubt, in a few decades more it will treat all criminals as insane or diseased.

Certainly the segregation of the physically, mentally, and morally diseased from the more normal members of society is essential. But it should be accomplished without exploitation or brutality. It seems also as if this segregation should begin, not at the jail door, but at the door of the public kindergarten. We are no longer dependent on chance to determine, with some degree of accuracy, what sort of adult may be developed from a certain child. Modern science can measure fairly well the mental, moral, and industrial normality of an individual and gauge his possibilities of useful social adjustment, his dangerous abnormalities that hold the threat of future criminality. Children with the inherited handicaps of physical diseases and mental abnormalities should be sought out and given treatment before their afflictions drag them down into crime. The children who are mentally deficient, emotionally unstable, or psychopathic should be separated from the mass of children in the public schools and given the training and protection that might take them from criminalistic careers. The unusually brilliant children should have special attention also, for they suffer more than the subnormals and hold greater possibilities of social menace should they start in the wrong direction.

There is great hope that with decent care, treatment,

and proper training the young and accidental criminals may be returned to normal life as social assets. There is probably little that can be done for the scarred and maimed victims of our penal system, those who have spent any considerable time in prison. No ordinary man or woman can live the brutalized life of a convict, endure the abnormalities of prison life for a number of years, go through the soul-searing and embittering experiences of arrest, trial, and imprisonment several times, and still retain enough of the human being on which to work real reform. The unusual personality may survive, but the usual will not. The repeater is the tragic product of our judicial and penal system, and there seems but little that society can do with him but to segregate him from persons who might be susceptible to his anti-social influence; to give him sane, humane treatment while he lives, and try to avoid breeding any more of the same sort.

That crime is or is not a social disease, perhaps remains to be proved. But I have found that prison life does breed a definite disease as distinguishable as malaria, typhoid, or whooping-cough and as logically explained by science as other diseases. I made a careful study of the long-timers who had been sucked dry by the task and stamped with the stigmata of prison life. I found that I could determine very accurately the length of time they had spent in prison by the stage of physical, mental, and moral degeneration which they had exhibited. The symptoms varied slightly in different individuals, but certain symptoms usually marked a certain number of months or years of prison life. I could trace the progress of the disease from the first indication exhibited by the women who had been in prison about two years, to the last stage, which is practically physical exhaustion, mental imbecility, and moral disintegration.

This stage is reached, in women, at the end of from five to seven years.

I thought that in detecting this prison-bred disease I had made an important discovery and should have something of social value to report when I came back to normal life. But among some magazines sent to me in prison was the July, 1919, number of *Current Opinion.* I found from an article it contained that I had made not a new discovery, but only a verification of facts observed by two French physicians, Louis Hout and Paul Viovnel. These physicians had found that the disease which I noticed among long-time prisoners, exists not only among convicts, but also among soldiers in isolated army camps and colonial troops in foreign service. The soldiers themselves recognize the disease and have given it the name *la cafard* which means cockroach or pest. These French physicians found that the uncontrollable impulses, the inexplicable acts, the paralyzed will power, and the moral decay of the soldiers suffering from *la cafard* were explained by the effect on the nervous system of constant repression—brutal suppression of all natural emotions and desires—and by the unnatural conditions of life. So far as I know, no consideration has been given this form of prison neurosis in the United States, and it should certainly prove a fertile field for research work.

We must not permit society to forget that it is in the blood-stained profits of convict labour that much of the incentive for prison brutality resides, and that we can make little headway in prison reform until private profits are divorced from convict labour. Our prisons will never be civilized until convicts are employed at useful, educational labour and paid just wages for what they produce. Habits of industry and respect for useful

labour can hardly be instilled in men and women by making slaves of them under brutal taskmasters and then robbing them of the fruits of their work.

Convicts cannot be fitted for usefulness which will enable them to take their proper place in society until they have built up a certain amount of self-discipline, will-power and self-respect; and this can be acquired only through the largest possible amount of self-government coupled with proper treatment for physical and mental ills. And it would seem that the very best sort of self-discipline would be to require the convicts to pay a fair price for maintenance and, when physically able, to earn the money with which to pay. It is reasonable to presume that respect for justice might be fostered by useful, educational work, fair wages, a fair charge for maintenance, and the privilege of having surplus earnings handed over to the convict's dependents or deposited in a bank as capital on which to begin life when the debt to society has been paid.

Certainly we cannot hope that our convicts will come back better fitted to take their place in society unless they have received proper treatment for the diseases which made them socially unfit, and have had access to better educational facilities than they enjoyed before going to prison, and especially to industrial training which will fit them for useful labour. Victor Hugo said that crime is the product of a darkened mind. It behooves us to see that all the enlightenment possible is made accessible to the darkened minds of our troublesome people in prison.

We should not overlook the fact that the choice of turnkeys, jailers, matrons, and wardens is a very important duty. The choice of a turnkey is far more important than the choice of a clergyman, and his duties require bigger and finer qualities of mind and soul. The

clergyman deals with the best that society produces, living under the best conditions; the turnkey deals with the worst, living under the worst possible conditions. The clergyman has all social forces working with him; the turnkey has most of them working against him. The choice of a warden is far more important than the choice of a college president, and the choice of a prison matron far more important than that of a dean of women in a high school. The man or woman fit to fill the position of prison keeper must have broad culture, specialized training, executive ability, personality that commands respect, mental alertness, physical stamina that will endure for twenty-four hours daily for three hundred and sixty-five days in the year. They must have the common sense of the business expert, the knowledge of the physician, the art of the educator, the soul of the priest, and the love of the parent. People with these admirable qualities are rare, and as a rule they do not find their way into prison work, because they have no affinity for the political machines which control our prisons. We have schools to train men to send men and women to prison, but we have no schools to train prison keepers, though we have hundreds of prisons to keep and perhaps half a million prisoners to keep in them.

Prison matrons—I dislike the word because of its associations—should be trained women of broad culture and all the other requirements which I have mentioned. And they must be something more. Above all things a prison matron should be a woman who has lived, and is living, a normal life. She should be a married woman, for no unmarried woman is fit to handle convicts unless she be a widow of mature years who has lived life to the fullest—and I have my doubts about her. Every prison reeks with sex suggestion; in Jefferson City the architecture

was a riot of symbols of ancient sex worship. The unsexed woman will be hard and cold and censorious; the sex invert or pervert will foster sex abnormalities; and the normally sexed woman, denied normal expression, will be bitter, irritable, and often cruel. The stress and strain of a prison matron's life is more than the best and strongest can bear with calmness or spiritual poise. It becomes unbearable when sex strain is added, and the prisoners pay the penalty. No woman should be a prison matron who is not a mother; a mother who, because of her experience, has had training and long practice and a sympathetic understanding of infantile minds. For the majority of female prisoners are decidedly infantile in their reactions.

We should certainly demand for our penal institutions managers with as high a standard of morals as we expect from the prisoners, and we must pay salaries and provide training that will assure us of prison keepers of higher type mentally, morally, and culturally than the prisoners they handle. We must establish the fact that, if it is a crime for an individual to kill in the heat of passion, it is a greater crime for public officials to kill grimly, dispassionately, and deliberately in the effort to wring a little more profit from the labour of convicts. We must impress it on the minds of our citizenship that, if it is a crime for an individual to steal, it is a greater crime for public officials to steal the food and clothing and labour products of the prisoners.

Every existing prison should be abandoned as soon as possible and replaced with hospitals and prison farms and small industries, controlled not by contractors but by society.

Every woman's department should be separated from the men's and placed on farms according to the cot-

tage system, which makes intelligent segregation possible.

The Federal government should immediately build and equip an institution to care for its female prisoners, and this institution should be a model for all state institutions. For a great, rich nation to peddle its women delinquents about to the lowest bidder is a national disgrace. None of the better and more modern prisons will take federal women prisoners, for the simple reason that most of them are drug addicts who are not profitable to the contractors, and who in common decency should be given hospital care. The Missouri State Penitentiary is the worst possible prison to care for these women; it is one of the lowest in the scale of humane conditions and intelligent management, and has no hospital facilities for women.

The Superintendent of Federal Prisons merely shirks his responsibility when he peddles the women prisoners out to state prisons. When they have passed out of his care he cannot control the terrible abuses which the women suffer; yet he is still morally and legally responsible for their care. There are never more than a few hundred of these female Federal prisoners—most of them being not criminals, but drug addicts. They should be cared for in hospitals by trained physicians and employed as far as possible in healthful outdoor work. The Federal Hospital for Delinquent Women should not be a part of any of the existing prisons for men. It should be located on a large farm tract. It might be placed with great advantage near some one of the great universities in which specialized work in abnormal psychology is being carried on. In this way the prison might provide clinical material for intensive study by those who are giving their lives to the investigation of these problems.

My experience makes me feel that nothing could be more important at this time than the formation of a Na-

tional Prison Commission to study the problems of crime and criminals and their management. The Commission should not be politically chosen or controlled, but should be chosen from men and women nominated by the national Chamber of Commerce, Bar Association, Church Federation, Federation of Labour, Federation of Women's Clubs, Women Voters' League, The Woman's Party, National Farm Bureau, Association of Corrections and Charities, American Mental Hygiene Association, American Social Hygiene Association, and other organizations of like character. This Commission should be made a part of the United States Public Health Service. Splendid work has already been done by the venereal disease section in research work on causative factors in delinquency and trained workers could be secured from this department of the United States Public Health Service.

Such a commission could command the best-trained minds and the most understanding souls of our nation. The cost would be very small in proportion to the social value of its work, and its findings would give some sort of standard upon which to base the work of the future.

I believe the labours of such a commission would sustain me in the assertion that the prison as we know it to-day must go, with all its crudities, and cruelties, and that the reformative institutions of the future must be hospitals in which trained physicians and psychiatrists, sympathetic nurses, and understanding educators shall deal with delinquents, not solely as criminals to be punished, but also as unfortunate children upon whose heads have fallen the sins of the fathers.

APPENDIX

STATEMENT BY THE AUTHOR

When I found that I might be compelled to spend many months in prison I felt that I should like to make my incarceration of social value, if possible, by making a detailed study of my fellow convicts.

With the co-operation of the heads of departments of universities, heads of social service organizations, scientific societies, employers of labour, labour leaders and other interested individuals I prepared the outline reproduced in this appendix, for a case book on criminology.

When the outline was completed I visited (1918) Governor Frederick D. Gardner of Missouri, submitted a copy of the schedule, and asked his co-operation in securing permission to make the survey in case I should be compelled to serve as a federal prisoner in the state penitentiary at Jefferson City. Governor Gardner seemed to feel quite sure that such a survey would be of great social value. He called in his private secretary, discussed the matter with him at length, and then gave his unqualified promise that he would arrange that the prison officials should not only give me permission to make the survey, but that I should have every co-operation needful.

I then visited the University of Missouri at Columbia, and found that the department of psychology and the medical school would be willing to make the psychological and medical examinations, and were keenly anxious that a case study in criminology should be made.

I also visited Governor Lynn J. Frazier of North Dakota, the state in which my presumed offence was said to have been

committed, the University of North Dakota at Grand Forks, and the warden and physician of the state penitentiary at Bismarck.

The North Dakota officials were eager to arrange with the Department of Justice for my incarceration in the penitentiary at Bismarck. They were deeply interested in the data the survey might make available and offered every opportunity for the work to be done, as well as the services of certain convicts capable of doing clerical work.

Before entering the prison at Jefferson City I had prepared myself for the work on the case book. The schedules had been printed and I expected to undertake the work which Governor Gardner had promised that I should be permitted to do. But the prison officials were of another mind. I was strong and in good health and capable of doing more than the ordinary amount of work in the prison workshop, so I was told that I was there to work and not to make a prison survey. However, my husband was permitted to bring me a bundle of the schedule blanks and I made the survey "under cover" during recreation hours. I managed to get the case histories of about two hundred women. I not only had no difficulty in getting the information I desired, but the prisoners felt slighted if I failed to ask them for the data. When Mr. Fishman, the U. S. Inspector of federal prisons, visited me in Jefferson City I gave him the above facts, and made a formal request to be transferred to the penitentiary at Bismarck, North Dakota. I thought that this work might be of greater social value than making overalls in the prison workshop, but the Department of Justice refused to make the transfer.

When I was released I was permitted to take out my library of several hundred books which had been sent me by friends, as well as paintings, gifts and other personal belongings, except my bundle of case histories. This had been taken to the matron's office by a trusty with my other property, but when I looked for it to pack with my books I found that it was missing, and I was told that it had been destroyed. I

feel that this action on the part of the prison officials at Jefferson City was anti-social. Such data as I had secured would certainly have been of some value in the study of delinquent psychology. Because of the months I had given to the work, and the eager co-operation of the prisoners, the work constituted an exhaustive survey. Because I was a convict I secured information inaccessible to the ordinary research worker. In destroying the case studies the prison officials robbed themselves of what might have been of value to them, and deprived scientists of the opportunity of considering the fruits of my original researches.

The outline of the proposed case book follows.

A PROPOSED STUDY IN CRIMINOLOGY

INTRODUCTORY

It is but recently that any serious study along modern lines and with present-day methods and conceptions has been given to the problem of the causes for crime, the prevention of the development of criminals and the rehabilitation of the offenders. No such detailed studies have been made in the field of crime as have been made in the realm of sanitation; little data exist for the use of the student; no generally accepted conclusions are available for the guidance of those responsible for the safety, moral health and general well-being of the community. Crime is as old as disease, quite as wasteful and more of a menace to society. Modern science bids fair to conquer disease in the near future, and it would seem but common sense that we should, if possible, determine scientifically whether crime is a social disease, or the result of social disease, and to what extent the criminal is mentally or physically deficient and unable to cope with an adverse environment.

The agencies in charge of the administration of social life in all countries have become aware that disease and death are subject, within certain limits, to human control. The research work of the students of hygiene and sanitation, and the achievements of sanitary engineers, have demonstrated the value of detailed investigations as a necessary basis for their work. Because of such investigations an immense literature and technique now exists dealing with hygiene and sanitation, which organized society is making use of. Everywhere prevention is replacing efforts to cure in the world of physical well-being.

Pioneer work must be done in the investigation of the life

histories of individual inmates of penal institutions in order to determine, if possible, the forces that foster the inception and development of criminalistic careers. No progress can be made in reducing the appalling social waste due to crime until it is accurately determined to what extent crime is an individual reaction, separate and apart from social causes, and to what extent there are causes external to the individual as sure to produce crime and criminals, as insanitary conditions are sure to produce physical disease.

Field

The inmates confined in the State Penitentiary of Missouri.

Methods to Be Used

Personal examination of each individual, along the following lines:

1. Family history—data regarding parents (heredity).
2. Economic status—training in useful labour, etc.
3. Social background—during youth, adolescence, and maturity, etc.
4. Psychological examination.
5. Physical examination.
6. History of delinquency.
7. General.

Scope

Sufficient individuals would be examined in the course of the survey to insure an ample mass of data for scientific study. The inquiry in the case of each delinquent would be made with considerable detail, as is shown by the schedules included herewith.

Case Book of Criminology

The data secured to be published for the free use of public officials, social workers, educators, pastors, sociologists, psy-

chologists, criminologists, and physicians, as a source book in the study of the causes of crime and methods of prevention.

NOTE 1—The examination under heads 1, 2, 3, 6, and 7, to be conducted by Mrs. O'Hare; expert specialists to handle 4 (psychological) and 5 (physical).

SCHEDULE

100. ECONOMIC STATUS

110—Industrial classification:
- 111—Unskilled.
- 112—Trade.
- 113—Business.
- 114—Profession.
- 115—Migratory.
- 116—Seasonable labour.
- 117—Sedentary labour.

120—Training for occupation:
- 121—Apprenticeship.
- 122—Technical education.
- 123—Any other training.

130—History of gainful employment:
- 131—First gainful employment—at what age, what wage, what employment.
- 132—Give history of successive employments.
- 133—Causes of changes in employment.
- 134—Preferred employment.

140—Regularity of employment:
- 141—Period of time, first employment to latest employment.
- 142—Percentage of time employed during above period.
- 143—Causes of unemployment during above period.

150—Self-dependence:
- 151—At what age self-support began.
- 152—At what age upon leaving home, and why.
- 153—Dependence upon others.
- 154—Independent income.
- 155—Initiative.
- 156—Determination.

160—Financial success:
- 161—Give earnings for each period of year during the time from first employment to latest employment.
- 162—Savings, insurance or property accumulated.
- 163—Economic dependence.
- 164—Oppressive debts.

170—Labour affiliations:
- 171—Membership in labour union, state which.
- 172—Active member.
- 173—Passive member.
- 174—Antagonistic, and why.

180—Participation in labour controversies:
- 181—In what strikes?
- 182—In what capacity?
- 183—Ever blacklisted?

190—Civic outlook:
- 191—Voter?
- 192—If not a voter, why?
- 193—Political party preferred?
- 194—Active worker?
- 195—Indifferent to political matters?
- 196—Any knowledge or opinion regarding Socialism, Philosophical Anarchism, Syndicalism.

200. FAMILY HISTORY

Fill out a report for each parent, guardian, grandparent, step-parents, and collateral relatives as far as possible.

200—
- 201—Relationship to delinquent.
- 202—Name.
- 203—Born when?

210—
- 211—Nationality.
- 212—Birthplace.
- 213—Came to U. S., year.

214—Lived in U. S., years.
215—Lived in country, village, city.
216—Married, when?
217—Died, when.

220—Education—opportunities and acceptances:
221—Grade reached.

230—Religion:
231—Attitude toward.
232—Affiliation.
233—Character of.
234—Intensity.

240—Occupational:
241—Character of work.
242—Industrial training.
243—Earning capacity.
244—Steadiness of employment.
245—Farm owner.
246—Farm tenant.
247—Frugality and thriftiness.
248—Property accumulated.
249—(Delinquent's mother only) Employment after marriage and why.

250—Political affiliation:
251—Reason.
252—Intensity.

260—
261—Ever convicted of crime—and what.
262—Intemperance—character of.
263—Addicted to drugs—when and what.
264—Normal mentality—epileptic, insane and variety.
265—Psychopathic.
266—Feeble-minded.
267—Physical disability.
268—Health.

270—Attitude toward offspring (take for father and mother):

271—Paternal-maternal attitude toward offspring.
272—Maternity-paternity desired.
273—Affection toward delinquent.
274—Delinquent's affection toward.
275—Number of children born to.

300. SOCIAL BACKGROUND

310—Infancy—birth to 5 years:

311—Birth.
311a—Year of birth.
311b—Place of birth.
311c—Sex.
311d—Siblings.
311e—Birth rank.
311f—Male parent or guardian.*
311g—Female parent or guardian.*

312—Domicile (infancy):
312a—Lived with.
312b—Economic situation.
312c—Location.**
312d—Neighbourhood conditions.
312e—Housing.
312f—Physical care.
312g—Affectional care.

313—Stamina:
313a—Physical disabilities.
313b—Other disabilities.

314—Principal, recollections and events.

320—Childhood—6th year to — year inclusive (to puberty):

* Indicates parent or person taking parent's place in household.
** Location—indicate country, village, city, mining or other camps.
*** Describe schools attended in detail.

321—Household:
- 321a—Male parent or guardian.*
- 321b—Female parent or guardian.
- 321c—Siblings living.
- 321d—Other children.
- 321e—Other inmates of household.

322—Domicile (childhood).
- 322a—Lived with.
- 322b—Economic situation.
- 322c—Location.**
- 322d—Neighbourhood conditions.
- 322e—Housing.
- 322f—Physical care.
- 322g—Affectional care.
- 322h—Family recreations.
- 322i—Family harmony.
- 322j—Father's * interest in you.
- 322k—Mother's * interest in you.
- 322m—Your regard for father.*
- 322n—Your regard for mother.*

323—School.***
- 323a—Location.**
- 323b—Opportunities.
- 323c—Attendance.
- 323d—Grade attained.
- 323e—Interest.
- 323f—Played hookey.
- 323g—Educational difficulties.

324—Employment.
- 324a—Kind of.
- 324b—Duration.
- 324c—Earnings.
- 324d—Disposition of earnings.

325—Moral development (during childhood).

* Indicates parent or person taking parent's place in household.
** Location—indicate country, village, city, mining or other camps.
*** Describe schools attended in detail.

325a—Teachings, from whom and character of.
325b—Sex information, from whom, when, character of.
325c—Sex practices.
325d—Religious interests, affiliation, character, intensity.

326—Stamina (during childhood).
326a—Physical disabilities.
326b—Other disabilities.

327—Play or recreation.
327a—Opportunities.
327b—Choices.

328—Emotional reactions (during childhood).
328a—Marked attraction toward and aversion toward (persons).
328b—Marked affection from and aversions from (persons).
328c—Daydreams, fears, shocks.
328d—Ambitions.

329—Most important incidents and influences in childhood.

330—Youth—from — years (time of puberty) to 21 years:

331—Household.
331a—Male parent or guardian.*
331b—Female parent or guardian.*
331c—Siblings living.
331d—Other children.
331e—Other inmates of household.

332—Domicile (during youth).
332a—Lived with.
332b—Economic situation.

* Indicates parent or person taking parent's place in household.
** Location—indicate country, village, city, mining or other camps.
*** Describe schools attended in detail.

332c—Location.**
332d—Neighbourhood conditions.
332e—Housing.
332f—Physical care.
332g—Affectional care.
332h—Family recreations.
332i—Family harmony.
332j—Father's interest in you.*
332k—Mother's interest in you.*
332m—Your regard for father.*
332n—Your regard for mother.*

333—Schools*** (during youth).
333a—Location.**
333b—Educational opportunities.
333c—Attendance (years).
333d—Grade obtained.
333e—Interest.
333f—Success.
333g—Educational difficulties.

334—Employment (during youth).
334a—Kind of.
334b—Duration.
334c—Earnings.
334d—Disposition of earnings.

335—Moral development (during youth).
335a—Teachings, from whom, character of.
335b—Sex information, from whom, when, character of.
335c—Sex practices.
335d.—Religious interests, affiliation, character, intensity.

336—Stamina (during youth).
336a—Physical disabilities.

* Indicates parent or person taking parent's place in household.
** Location—indicate country, village, city, mining or other camps.
*** Describe schools attended in detail.

336b—Other disabilities.

337—Play or recreation (during youth).
- 337a—Opportunities.
- 337b—Choices.
- 337c—Athletics.
- 337d—Games.
- 337e—Dancing, theatre, cards.
- 337f—Music, reading (kind of).
- 337g—Vacations.

338—Emotional reactions (during youth).
- 338a—Affection for and antagonism toward (persons).
- 338b—Affection from and antagonism from (persons).
- 338c—Daydreams, fears, shocks.
- 338d—Ambitions.

339—Associates (during youth).
- 339a—Associates of same sex normal?
- 339b—Associates of opposite sex, describe.
- 339c—Most important incidents and influences in youth.

340—Adult life (after 21 years):

341—Household (during adult life).
- 341a—Inmates.

342—Domicile (during adult life).
- 342a—Lived with.
- 342b—Economic situation.
- 342c—Location.**
- 342d—Neighbourhood conditions.
- 342e—Housing.
- 342f—Physical comfort.
- 342g—Affectional environment.
- 342h—Family recreations.

* Indicates parent or person taking parent's place in household.
** Location—indicate country, village, city, mining or other camps.
*** Describe schools attended in detail.

342j—Family harmony.

343—Educational (adult life).
- 343a—Location.**
- 343b—Educational opportunities.
- 343c—Attendance (years).***
- 343d—Grade obtained.
- 343e—Interest.
- 343f—Success.
- 343g—Educational difficulties.

344—Employment (during adult life).
- 344a—Kind of.
- 344b—Regularity.
- 344c—Earnings (yearly).
- 344d—Disposition of earnings.

345—Moral development (adult life).
- 345a—Teachings, from whom, character of.
- 345b—Sex information, from whom, when, character of.
- 345c—Sex life.
- 345d—Religious interests, affiliations, character, intensity.
- 345e—Use of tobacco.
- 345f—Use of alcohol.
- 345g—Fraternal or lodge.

346—Stamina (adult life).
- 346a—Physical disability.
- 346b—Other disabilities.

347—Play or recreation (adult life).
- 347a—Opportunities.
- 347b—Choices.
- 347c—Athletics.
- 347d—Games.

* Indicates parent or person taking parent's place in household.
** Location—indicate country, village, city, mining or other camps.
*** Describe schools attended in detail.

347e—Dancing, theatre, cards.
347f—Music, reading (kind of).
347g—Vacations.

348—Emotional reactions (during adult life).
348a—Affection for (persons), mention whom.
348b—Antagonism toward (persons), mention whom.
348c—Interest or affection from persons (whom).
348d—Antagonism from persons (whom).
348e—Fears, shocks.
348f—Ambitions.

349—Associates (adult life).
349a—Associates of same sex normal?
349b—Associates of opposite sex.
349c—Most important incidents and influences in adult life.

350—Conjugal life:

Fill out the questions in Groups 351, 352 and 353 for each marriage.

351—
351a—Which marriage (1st, 2nd, 3rd, etc.).
351b—Age at marriage.
351c—Spouse's age at marriage.
351d—Spouse—turn to Section 200, and answer the questions in headings 200, 210, 220, 230, 260, and 270.

352—Domicile (during married life).
352a—Lived with.
352b—Economic situation.
352c—Location.**
352d—Neighbourhood conditions.

* Indicates parent or person taking parent's place in household.
** Location—indicate country, village, city, mining or other camps.
*** Describe schools attended in detail.

352e—Housing.
352f—Physical comfort.
352g—Affectional environment.
352h—Family recreations.
352j—Family harmony.

353—
353a—Marriage successful?
353b—Marriage unsuccessful, why?
353c—Your age when widowed.
353d—Age when separated—cause.
353e—When divorced and cause.

354—Children. Answer the following questions for each child:
354a—Which child (1st. 2nd, 3rd, etc.).
354b—Year of birth.
354c—Sex.
354d—Normal physically?
354e—Normal mentally?
354f—Living? If dead give cause.
354g—Anything else important?

355—Attitude toward offspring?
355a—Did you desire children?
355b—Are you fond of your children?

356—Emotional recreations (during married life).
356a—Affection for (persons), mention whom.
356b—Antagonism toward (persons), mention whom.
356c—Interest or affection from persons (whom).
356d—Antagonism from persons (whom).
356e—Fears, shocks.
356f—Ambitions.

357—Effect of your conviction on family.
357a—Is spouse loyal to you since conviction?
357b—Are children loyal to you since conviction?

600. HISTORY OF DELINQUENCY

610—Classification:
- 611—Originally juvenile offender.
- 612—Originally adult offender.

620—History of juvenile offences:
- 621—Character of offence—against person, property, sex.
- 622—Age at the time.
- 623—Where detained.
- 624—Segregation from old offenders.
- 625—How long detained?
- 626—Pardoned or paroled.

630—History of later offences:
- 631—Character of offence—against person, property, sex.
- 632—Age at the time.
- 633—Where detained.
- 634—Segregation from old offenders.
- 635—Term.
- 636—Pardoned or paroled.

640—History of present offence:
- 641—Character of offence—against person, property, sex.
- 642—Age at the time.
- 643—Sentence.
- 644—Began serving term.

650—Summary:
- 651—Years in reformatory.
- 652—Years in jail.
- 653—Years in penitentiary.

660—Previous medical or physical examinations:
- 661—To what extent.
- 662—Where made.
- 663—By whom.....position.

670—Previous psychological examinations:
- 671—To what extent.
- 672—Where made.
- 673—By whom .....position.

680—Efforts to reform:
- 681—Occasions when efforts to reform were made.
- 682—What co-operation received from officials.
- 683—What co-operation received from organizations.
- 684—What co-operation received from individuals.
- 685—What failures, and why.

700. GENERAL

710—An effort to obtain delinquent's idea of the condition that led to his delinquency as,
- 711—Wage conditions, living conditions, security of employment.
- 712—Home conditions, living conditions, social life, associates, example and imitation, desire for adventure, prowess.
- 713—Intemperance, drugs.
- 714—Ill health, debt.
- 715—Loneliness, sex-hunger, marital unhappiness.

720—An effort to obtain delinquent's reactions toward institutions:
- 721—Law.
- 722—Courts.
- 723—Juries.
- 724—Police.
- 725—Jailors.
- 726—Penal and reformatory institutions.

730—An effort to obtain delinquent's idea as to the adequacy of his defence at time of trial:
- 731—Financial means at his command.
- 732—Satisfaction with conduct of defence.

740—Summary of trials and punishments, pardons and paroles, with any unique features not provided for elsewhere.

750—Delinquent's reactions toward present confinement and punishment:

751—Mental.

752—Physical effects—outward marks.

760—An effort to obtain delinquent's attitude toward society, his sense of social responsibility and moral ideas through a series of questions, any answer to which will afford information.

770—An effort to ascertain the existence of any normal or pathological sexual psychology likely to disturb other departments of the delinquent's life, as his attitude toward society, ambition, economic efficiency and physical condition.

780—The delinquent's plans and hopes for life after leaving prison.

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The page numbers shown in the Index are incorrect. In referring to text pages add 4 to the number indicated; e.g.—for first reference: *Agents provocateurs,* 140, 141, see pages 144, 145.

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